

**MUNICIPAL CODE**

of the

**VILLAGE OF MORTON**

TAZEWELL COUNTY  
ILLINOIS

**September 2018**



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CHAPTER 1  
VILLAGE CODE

## SECTION:

- 1-1-1: Title  
 1-1-2: Acceptance  
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 1-1-4: Construction Of Words  
 1-1-5: Interpretations  
 1-1-6: Intent

1-1-1: **TITLE:** Upon adoption by the Board of Trustees this Village Code is hereby declared to be and shall hereafter constitute the official Village Code of the Village of Morton. This Village Code of Ordinances shall be known and cited as the Morton Municipal Code, and it is hereby published by authority of the Board of Trustees and shall be kept up to date as provided in Section 1-1-3 under the direction of the Village Attorney, acting for said Village Board of Trustees. Any reference to the number of any Section contained herein shall be understood to refer to the position of the same number, its appropriate Chapter and Title heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this Village Code by title in any legal document.<sup>1</sup>

1-1-2: **ACCEPTANCE:** This Village Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the Ordinances of the Village of general and permanent effect, except the excluded Ordinances enumerated in Section 1-2-1.<sup>2</sup>

1-1-3: **AMENDMENTS:** Any Ordinance amending this Village Code shall set forth the Title, Chapter, and Section number of the Section or Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by Ordinance of any part of this Village Code. All such amendments or revisions by Ordinance shall be immediately forwarded to the codifiers and the said Ordinance material shall be prepared for insertion in its proper place in each copy of this Village Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the Village Code within thirty (30) days from the date of its final passage.

1-1-4: **CONSTRUCTION OF WORDS:** Whenever any word in any Section of this Village Code importing the plural number is used, in describing or referring to any matters, parties, or persons, any single matter, party, or person shall be deemed to be included, although distributive words may not have been used.

When any subject matter, party, or person is referred to in this Village Code by words importing the singular number only, or the masculine gender, several matters, parties, or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any Section of this Village Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-3.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-6, Note #12.

1-1-5: **INTERPRETATIONS:** In the determination of the provisions of each Section of this Code the following rules shall be observed:

- (A) Intent to Defraud: Whenever an intent to defraud is required in order to constitute an offense, it shall be sufficient if an intent appears to defraud any person.
- (B) Liability of Employers and Agents: When the provisions of any Section of this Village Code prohibits the commission of an act, not only the person actually doing the prohibited act or omitting the directed act, but also the employer and all other persons concerned with or in aiding or abetting the said person shall be guilty of the offense described and liable to the penalty set forth. (1970 Code)

1-1-6: **INTENT:** All general provisions, terms, phrases, and expressions contained in this Code shall be liberally construed in order that the true intent of the Board of Trustees may be fully carried out. (1944 Code, Sec. 441)

## CHAPTER 2

**SAVINGS CLAUSE**

## SECTION:

- 1-2-1: Repeal Of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Court Proceedings

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general Ordinances of the Village passed prior to the adoption of this Village Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following Section), from which are excluded the following Ordinances which are not hereby repealed: Tax levy Ordinances; appropriation Ordinances; Ordinances relating to boundaries and annexations; franchise Ordinances and other Ordinances granting special rights to persons or corporations; contract Ordinances and Ordinances authorizing the execution of a contract or the issuance of warrants; salary Ordinances; Ordinances establishing, naming, or vacating streets, alleys, or other public places; improvement Ordinances; bond Ordinances; Ordinances relating to elections; Ordinances relating to the transfer or acceptance of real estate by or from the Village; and all special Ordinances.

1-2-2: **PUBLIC UTILITY ORDINANCES:** No Ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service, or rates of public utilities shall be repealed by virtue of the adoption of this Village Code or by virtue of the preceding Section, excepting as this Village Code may contain provisions for such matters, in which case this Village Code shall be considered as amending such Ordinance or Ordinances in respect to such provisions only.

1-2-3: **COURT PROCEEDINGS:** No new Ordinance shall be construed or held to repeal a former Ordinance, whether such former Ordinance is expressly repealed or not, as to any offense committed against such former Ordinance or as to any act done, any penalty, forfeiture, or punishment so incurred, or any right accrued or claim arising under the former Ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture, or punishment so incurred or any right accrued or claim arising before the new Ordinance takes effect, save only that the proceedings thereafter shall conform to the Ordinance in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture, or punishment be mitigated by any provision of a new Ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new Ordinance takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the Ordinance making any new provisions upon the same subject or in any other Ordinance.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general Ordinance of the Village herein repealed and the provisions of all general Ordinances contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Village under any Ordinance or provision thereof in force at the time of the adoption of this Village Code. (1970 Code)



CHAPTER 3  
DEFINITIONS

## SECTION:

1-3-1: Definitions, General

1-3-1: **DEFINITIONS, GENERAL:** Whenever the following words or terms are used in this Code they shall have the meanings herein ascribed to them, unless the content makes such meaning repugnant thereto:

- AGENT:** The word “agent” as used in this Code shall mean a person acting on behalf of another.
- CODE:** The word “Code” unless otherwise specifically stated shall mean this Village Code. (1970 Code)
- EMPLOYEES:** The word “employees” shall mean the following: Whenever reference is made in this Code to a Village employee by title only, this shall be construed as though followed by the words “of the Village of Morton” and shall be taken to mean the employee of the Village performing the duties indicated. (1944 Code, Sec. 440)
- FEE:** The word “fee” as used in this Code shall mean a sum of money charged by the Village for the carrying on of a business, profession, or occupation.
- KNOWINGLY:** The word “knowingly” signifies only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.
- LICENSE:** The word “license” as used in this Code shall mean the permission granted for the carrying on of a business, profession, or occupation.
- MISDEMEANOR:** The word “misdemeanor” shall mean any offense deemed a violation of the provisions of this Code which is a lesser offense than a felony as defined by State law.
- NEGLIGENT:** The word “negligent,” as well as “neglect,” “negligence,” and “negligently” signifies a want of such attention to the nature of probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
- NUISANCE:** The word “nuisance” shall mean anything offensive or obnoxious to the health and welfare of the inhabitants of the Village; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.
- OCCUPANT:** The word “occupant” applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
- OFFENSE:** The word “offense” shall mean any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code. (1970 Code)

OFFICERS:	Whenever reference is made in this Code to a Village officer by title only, this shall be construed as though followed by the words "of the Village of Morton," and shall be taken to mean the officer of the Village having the title mentioned. (1944 Code, Sec. 440)
OPERATOR:	The word "operator" as used in this Code shall mean the person who is in charge of any operation, business, or profession.
OWNER:	The word "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant, or lessee of the whole or of a part of such building or land.
PERSON:	The word "person" shall mean any individual, partnership, corporation, joint stock association, or the State of Illinois or any subdivision thereof, and includes any trustee, receiver, assignee, or personal representative thereof. <sup>1</sup>
PERSONAL PROPERTY:	The term "personal property" shall include every description of money, goods, chattels, effects, evidence of rights in action, and all written instruments by which any pecuniary obligation, right, or title to property is created, acknowledged, transferred, increased, defeated, discharged, or diminished and every right or interest therein.
RETAILER:	The word "retailer" as used in this Code, unless otherwise specifically defined shall be understood to relate to the sale of goods, merchandise, articles, or things in small quantities direct to the consumer.
STREET:	The word "street" shall include alleys, lanes, courts, boulevards, public square, public places, and sidewalks.
TENANT:	The word "tenant" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
VILLAGE:	The word "Village" as used in this Code shall mean the Village of Morton, County of Tazewell, State of Illinois.
WHOLESALER:	The words "wholesaler" and "wholesale dealer" as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles, or things in quantity to persons who purchase for the purpose of resale.
WILFULLY:	The word "wilfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.
WRITTEN, IN WRITING:	The terms "written" or "in writing" may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he is unable to write, by his proper mark. (1970 Code)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 1-1-2(4).



## CHAPTER 4

## PENALTY

## SECTION:

- 1-4-1: Penalty
- 1-4-2: Default; Labor
- 1-4-3: License
- 1-4-4: Application
- 1-4-5: Liability Of Officers
- 1-4-6: Insufficient Checks

1-4-1: **PENALTY:** Any person, persons, partnership, firm, or corporation convicted of a violation of any Section of this Code, for which another penalty is not provided, shall be fined in a sum of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00).<sup>1</sup> (Ord. 80-5, 6-2-80; amd. Ord. 99-37, 12-6-99)

1-4-2: **DEFAULT; LABOR:** Any person in default of payment of any fine or costs imposed may be committed to the County Jail until the fine, penalty, and costs are fully paid. Any person imprisoned under the provisions of this Chapter may be put to work for the benefit of the Village for the term of his imprisonment. The committed person shall be allowed, exclusive of boards, a credit as provided by Statute for each days' work.<sup>2</sup>

1-4-3 **LICENSE:** When a person is convicted of a violation of any Section of this Village Code any license previously issued to him by the City may be revoked by the Court or by the Board of Trustees.

1-4-4: **APPLICATION:** The penalty in this Chapter shall be applicable to every Section of this Village Code the same as though it were a part of each and every separate Section. Any person convicted of a violation of any Section of this Village Code where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature or declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this Village Code.

In all cases where the same offense is made punishable or is created by different clauses or Sections of this Village Code the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any Section or provision of this Village Code and there shall be no fine or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-1.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 1-2-9 as amd. 1963.

1-4-5:       **LIABILITY OF OFFICERS:** No provisions of this Village Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Board of Trustees to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty. (1970 Code)

1-4-6:       **INSUFFICIENT CHECKS:** Any person who presents to the Village a check as payment on any fee or charge due and owing the Village, which is drawn on an account having insufficient funds and is returned to the Village stating the account has insufficient funds, shall be charged the sum of twenty-five dollars (\$25.00) for each such check tendered to the Village. (Ord. 80-39, 3-16-81; amd. Ord. 01-21, 10-15-01)

CHAPTER 5  
BOARD OF TRUSTEES

## SECTION:

- 1-5-1: Election; Term
- 1-5-2: Oath; Compensation
- 1-5-3: Meetings
- 1-5-4: Presiding Officer
- 1-5-5: Quorum
- 1-5-6: Assignment of Duties and Responsibilities
- 1-5-7: Disturbing Meetings
- 1-5-8: Order Of Business
- 1-5-9: Rescinded Action
- 1-5-10: Resolutions
- 1-5-11: Addressing Meetings
- 1-5-12: Suspension Of Rules
- 1-5-13: Robert's Rules Of Order
- 1-5-14: Recording Meetings
- 1-5-15: Attendance At Meetings Other Than By Physical Presence

1-5-1: **ELECTION; TERM:** The Board of Trustees of the Village shall consist of six (6) members who shall each be elected to office for a four (4) year term as provided by Statute. Said Board of Trustees shall be the legislative department of the Village government and shall perform such duties and have such powers as may be delegated to it by Statute.<sup>1</sup> (1944 Code, Sec. 6)

1-5-2: **OATH; COMPENSATION:** The members of the Board of Trustees shall take the oath of office prescribed by Statute before entering upon their duties. Each member of the Board of Trustees shall receive compensation in the amount of one thousand two hundred dollars (\$1,200.00) per year, payable monthly. In addition thereto, each member of the Board of Trustees shall receive reimbursement from the Village for expenses as may be incurred by the Trustee in the course of performing official duties. (Ord. 705, 4-25-77; amd. Ord. 00-29, 10-16-00; amd. Ord. 04-29, 9-7-04; amd. Ord. 08-07, 7-21-08)

1-5-3: **MEETINGS:** The regular meetings of the Board of Trustees shall be held on the first and third Mondays of each month at seven o'clock (7:00) P.M.

The meeting place of said Village Board shall be at Freedom Hall, 349 W. Birchwood, Morton, Illinois. If a regularly scheduled meeting falls on a legal holiday, the Board may schedule the meeting to the following Tuesday at seven o'clock (7:00) P.M.

Special meetings may be called by the President of the Board or any three (3) Trustees upon at least forty eight (48) hours' written notice to all members and the President, stating the object and purposes of such meeting and the time of holding the same. Notice of such special meeting or of a meeting called as a result of a bona fide emergency shall be given as required by the Open Meetings Act.<sup>2</sup> (Ord. 93-13, 9-7-93; amd. Ord. 95-37, 3-5-96, eff. 4-1-96; amd. Ord. 97-33, 1-19-98)

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<sup>1</sup> 65 ILCS 5/3-5-2.

<sup>2</sup> 5 ILCS 120/1.

1-5-4: **PRESIDING OFFICER:** The President of the Board shall be the presiding officer of all regular and special meetings of said Board of Trustees and at all times when the Board meets as a committee of the whole.<sup>1</sup> (1944 Code, Sec. 9)

1-5-5: **QUORUM:** A majority of the corporate authorities shall constitute a quorum to do business. (Ord. 93-13, 9-7-93)

1-5-6: **ASSIGNMENT OF DUTIES AND RESPONSIBILITIES:** Members of the Board of Trustees may be assigned such duties and responsibilities by the Village President as the Village President shall deem necessary and desirable from time to time, with the approval of the Board of Trustees. The Village President may also retain such duties and responsibilities as the Village President shall deem necessary and desirable from time to time, with the approval of the Board of Trustees. (Ord. 05-03, 05-02-05)

1-5-7: **DISTURBING MEETINGS:** It shall be unlawful for any person to disturb any meeting of the Board of Trustees or of any committee thereof. (1944 Code, Sec. 12)

1-5-8: **ORDER OF BUSINESS:** The order of business of the Board of Trustees shall be as follows:

- I. Call to Order.
- II. Roll Call.
- III. Pledge of Allegiance to the Flag.
- IV. Public Hearings.
- V. Presentations and Special Reports.
- VI. Public Comment.
- VII. Consent Agenda.
- VIII. Consideration of Items Removed from the Consent Agenda.
- IX. Village President.
- X. Village Clerk.
- XI. Village Treasurer.
- XII. Business Manager.
- XIII. Chief of Police.
- XIV. Corporation Counsel.
- XV. Director of Fire and Emergency Services.
- XVI. Superintendent of Public Works.
- XVII. Zoning Enforcing Officer.
- XVIII. Village Trustees.
- XIX. Closed Sessions.
- XX. Consideration of Matters Arising from Closed Sessions.
- XXI. Adjournment.

(amd. Ord. 05-21, 10-3-05; amd. Ord. 06-02, 5-1-06; amd. Ord. 09-22, 8-3-09)

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<sup>1</sup> 65 ILCS 5/3-11-14 as referred to by 65 ILCS 5/3-12-3.

1-5-9: **RESCINDED ACTION:** No vote or action of the Board of Trustees shall be rescinded at any special meeting unless there be present at such special meeting as many members of the Board of Trustees as were present at the meeting when such vote or action was taken, as provided by Statute. (1944 Code, Sec. 14)

1-5-10: **RESOLUTIONS:** Any resolution submitted to the Board of Trustees shall be reduced to writing before being voted upon, on request by any two (2) members of the Board. (1944 Code, Sec. 15)

1-5-11: **ADDRESSING MEETINGS:** No person other than the President or a member of the Board of Trustees or a member of Village staff shall address the Board of Trustees at any regular or special meeting except upon consent of the President of the Board of Trustees or a Trustee. Persons addressing the Board of Trustees shall be subject to the following rules:

- (A) Persons may address the Board of Trustees only during the Public Comment portion of the agenda and after being recognized by the President, or at such other time as may be permitted by the President or a Trustee.
- (B) Upon being recognized, persons addressing the Board of Trustees shall identify themselves by name and address. Comments shall be limited to five (5) minutes. The President may lengthen or shorten a person's opportunity to speak. Persons anticipating the need to address the Board of Trustees for a longer period of time shall provide advance notice to the President of such need.
- (C) All comments shall be limited to matters which the President and Board of Trustees has supervisory, appointive or legislative authority or to hear a citizen speak on a matter of a redress of a grievance.
- (D) Persons addressing the Board should not expect an answer at the conclusion of the presentation.
- (E) The President shall have the authority to determine procedural matters regarding public participation not otherwise defined herein. (Ord. 93-9, 7-19-93; amd. Ord. 05-48, 4-3-06; amd. Ord. 12-36, 5-6-13)

1-5-12: **SUSPENSION OF RULES:** The rules of order, other than those prescribed by Statute, may be suspended at any time by the consent of a majority of the members present at any meeting. (1944 Code, Sec. 17)

1-5-13: **ROBERT'S RULES OF ORDER:** Robert's Rules of Order shall govern the deliberations of the Board of Trustees except when in conflict with any of the foregoing rules. (1944 Code, Sec. 18)

1-5-14: **RECORDING MEETINGS:**

- (A) Any person may record the proceedings at meetings of the Board of Trustees required to be open by the Open Meetings Act by tape, film or other means.
- (B) Recording meetings shall not distract or disturb members of the Board of Trustees, other meeting participants, or members of the public. The President may designate a location for recording equipment, may restrict the movements of individuals who are using recording equipment, or may take such other steps as are deemed necessary to preserve decorum and facilitate the meeting.

- (C) If a witness at any meeting of the Board of Trustees required to be open by the Open Meetings Act refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised, or if motion pictures are to be taken of him while he is testifying, the Board of Trustees shall prohibit such recording during the testimony of the witness. (Ord. 05-48, 4-3-06)

1-5-15: **ATTENDANCE AT MEETINGS OTHER THAN BY PHYSICAL PRESENCE:**

- (A) The President or a Trustee may attend a meeting of the President and Board of Trustees via interactive video or audio conference, provided the member has notified the Village Clerk before such meeting that he or she will be unable to attend for any of the reasons set forth in paragraph B. Such advance notice is not required if it is not practical.

In such case, the member shall file with the Clerk, a statement indicating why such advance notice was not practical. The statement shall be filed within three (3) days of the meeting which the member was unable to attend, but which he or she attended by interactive video or audio conference.

- (B) A member may attend a meeting via interactive video or audio conference only if he or she is prevented from physically attending the meeting because one of the following conditions exists:

1. Personal illness or disability.
2. Employment purposes or the business of the public body.
3. Family or other emergency. (Ord. 06-29, 11-6-06)

## CHAPTER 6

**PRESIDENT**

## SECTION:

- 1-6-1: Election; Term
- 1-6-2: Duties
- 1-6-3: Designation Of Duties
- 1-6-4: Bond; Oath
- 1-6-5: President Pro-Tem

1-6-1: **ELECTION; TERM:** The Village President shall be elected for a term of four (4) years, and he shall be the President of the Board of Trustees as is provided by Statute.<sup>1</sup> (1944 Code, Sec. 1)

1-6-2: **DUTIES:** He shall be the chief executive officer of the Village and he shall perform all duties that may be required of him by Statute or Ordinance. He shall have supervision over all the executive officers of the Village, and he shall have the power and authority to inspect all books and records kept by any Village officer or employee at any reasonable time. (1944 Code, Sec. 2)

1-6-3: **DESIGNATION OF DUTIES:** Whenever there is a question as to the respective duties and powers of any appointed officer of the Village, this shall be settled by the President; and he shall have the power to delegate to any such officer any duty which is to be performed when no specific officer has been directed to perform that duty. (1944 Code, Sec. 3)

1-6-4: **BOND; OATH:** Before entering upon the duties of his office, the President shall give a bond with sureties to be approved by the Board of Trustees conditioned upon the faithful performance of his duties in the sum of ten thousand dollars (\$10,000.00) or such higher sum as may be directed by the Board of Trustees.<sup>2</sup> He shall take the oath of office prescribed by Statute before entering upon his duties. He shall receive compensation in the amount of eight thousand dollars (\$8,000) per year, payable monthly.<sup>3</sup> In addition thereto, he shall receive reimbursement from the Village for expenses as may be incurred by him in the course of performing official duties. (Ord. 577; 11-6-72; amd. Ord. 00-29, 10-16-00)

1-6-5: **PRESIDENT PRO-TEM:** During a temporary absence or disability of the Village President, the Board of Trustees shall elect one of its number to act as President pro-tem, who during the absence or disability of the President, shall perform the duties pertaining to the office. (1944 Code, Sec. 5)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-5-1 as amd. 1963, 1965.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-13-6 amd. 1965.





## CHAPTER 7

## CLERK

## SECTION:

- 1-7-1: Election; Term  
 1-7-2: Oath  
 1-7-3: Bond  
 1-7-4: Compensation  
 1-7-5: Duties  
 1-7-6: Deputy Clerk Authorized; Appointment; Powers

1-7-1: **ELECTION; TERM:** The Clerk shall be elected to office for a term of four (4) years and until his successor is elected and qualified.

1-7-2: **OATH:** Before entering upon the duties of his office, the Clerk shall take and subscribe the oath or affirmation required by the Illinois Constitution.<sup>1</sup> The subscribed oath or affirmation shall be filed in the office of the Clerk.

1-7-3: **BOND:** Before entering upon the duties of his office, the Clerk shall execute a bond with security, to be approved by the President and Board of Trustees. The bond shall be payable to the Village of Morton in the penal sum of five thousand dollars (\$5,000.00)<sup>2</sup>, conditioned upon the faithful performance of the duties of the office and the payment of all money received by him, according to law and the ordinances of the Village. The bond of the Clerk shall be filed with the Treasurer. The premium of such bond shall be paid by the Village.

1-7-4: **COMPENSATION:** The Clerk shall receive compensation in the amount of six thousand six hundred dollars (\$6,600.00) per year, payable monthly.

1-7-5: **DUTIES:**

- (A) The Clerk shall be the custodian of the Village Seal and shall affix its impression on documents whenever this is required.
- (B) The Clerk shall keep all papers belonging to the Village, the custody and control of which are not given to other officers.
- (C) The Clerk shall attend all meetings of the President and Board of Trustees and keep a full record of their proceedings in the journal.
- (D) The Clerk shall act as secretary to the President and Board of Trustees and perform a variety of related duties as directed by the President and Board of Trustees.
- (E) The Clerk shall administer oaths of office to elected and appointed officers of the Village.
- (F) The Clerk shall attend all meetings of and act as secretary to (including the preparing and posting of agendas, the preparing, posting, and publishing of legal and public notices, the preparing and filing of minutes, and the keeping of other documents and records) the Board of Local Improvements, and such other boards, commissions, and committees as directed by the President. (amd Ord. 10-21, 11-1-10)

<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-5-9 amd. 1963

<sup>2</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3

- (G) The Clerk shall be responsible for the Village's compliance with the Freedom of Information Act, including receiving and processing all requests for information made under the Freedom of Information Act.
- (H) The Clerk shall be responsible for the Village's compliance with the Open Meetings Act.
- (I) The Clerk shall certify to the County Clerk, a list of names and addresses of persons that are required to file annual Statements of Economic Interests.
- (J) The Clerk shall give notice of all special meetings of the President and Board of Trustees.
- (K) The Clerk shall keep accounts showing all money received, and the source and disposition thereof, and such other accounts as may be required by statute or ordinance.
- (L) The Clerk shall keep on file, bonds required of any officers and the oath of office of all officers.
- (M) The Clerk shall maintain the Morton Municipal Code book, including the distribution of updates to the Morton Municipal Code book.
- (N) The Clerk shall post and publish all legal and public notices.
- (O) The Clerk shall prepare the agendas and agenda packets for regular and special meetings of the President and Board of Trustees.
- (P) The Clerk shall seal and attest all contracts of the Village, and all such other documents which may require this formality.<sup>3</sup>
- (Q) The Clerk shall serve as the Local Election Official for the Village and perform all duties relating to elections, as may be required by law.
- (R) The Clerk shall turn over all money received on behalf of the Village to the Treasurer promptly on receipt of same, and with such money the Clerk shall give a statement as to the source thereof.
- (S) The Clerk shall, deliver to the President all ordinances, resolutions, and other documents which may require the approval of the President or are to be acted upon by the President.
- (T) The Clerk shall perform such other duties as required by law or as directed by the President and Board of Trustees.

1-7-6: **DEPUTY CLERK AUTHORIZED; APPOINTMENT; POWERS:** The Clerk may appoint up to two Deputy Clerks, who shall serve for an at-will term, at the pleasure of the Clerk. The Clerk shall have the sole and exclusive authority to appoint any Deputy Clerk. A Deputy Clerk shall not be required to be a resident of the Village. The powers and duties of the Deputy Clerk shall be exercised only (a) upon the direction of the Clerk, or (b) when the Corporate Authorities have determined by resolution that the Clerk is temporarily or permanently incapacitated to perform the functions and duties of the office of Village Clerk. A Deputy Clerk shall have the power to execute all documents required by law to be executed by the Clerk and may affix the seal of the Clerk wherever required. In signing any document, a Deputy Clerk shall sign the name of the Clerk with the word "By" and the Deputy Clerk's own name and the words "Deputy Clerk". When a Deputy Clerk's signature is duly authorized as provided in this section and is affixed by a Deputy Clerk in a manner prescribed in this section in any document, including but not limited to contracts, bonds or other obligations of the municipality, the document shall have the same effect as if the document had been signed by the Clerk in person.

(amd. Ord. 08-06, 7-7-08; amd. Ord. 10-21, 11-1-10; amd. Ord. 7-5-16)

<sup>3</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-10-7

CHAPTER 8  
TREASURER

## SECTION:

- 1-8-1: Appointment; Compensation
- 1-8-2: Bond
- 1-8-3: General Duties
- 1-8-4: Deposit Of Funds
- 1-8-5: Records
- 1-8-6: Accounting
- 1-8-7: Checks
- 1-8-8: Assistant Treasurer

1-8-1: **APPOINTMENT; COMPENSATION:** The Treasure/Comptroller shall be appointed by the President with the consent of the Board of Trustees. The Treasurer's office shall be known as Treasurer/Comptroller and the salary shall be as determined from time to time by the Board of Trustees. All other references in this code to Treasurer shall also mean Treasurer/Comptroller. (Ord. 97-35, 2-16-98; amd. Ord. 00-17, 7-17-00; amd. Ord. 11-31, 1-3-12; amd. Ord. 11-36, 4-16-12)

1-8-2: **BOND:** He or she shall give a bond before entering upon his duties, in the sum required by the Board of Trustees, but such amount shall not be less, or more, than that required by Statute.<sup>1</sup> This bond shall be conditioned to indemnify the Village for any loss by reason of any neglect of duty or any act of the Treasurer. (1944 Code, Sec. 27)

1-8-3: **GENERAL DUTIES:** The Treasurer shall perform such duties as may be prescribed by Statute or Ordinance. The Treasurer shall oversee the receipt of all money paid into the Village, either directly from the person paying the money, or from the hands of such other official or employee as may receive it, and shall oversee the pay out of money only on vouchers or orders properly signed by the President and designated member of the Board of Trustees.<sup>2</sup> (1944 Code, Sec. 28; amd. Ord. 97-35, 2-16-98; amd. Ord. 10-17, 9-7-10)

(A) The Treasurer shall be the custodian of all funds belonging to the Village of Morton. The Treasurer is authorized to oversee receipt of all funds due the Village, and shall keep a record of these activities and books which show a separate account for each fund. The Treasurer shall also be the custodian of the police and firemen pension funds. (amd. Ord. 10-17, 9-7-10)

(B) The Treasurer shall have the following responsibilities:

1. Payroll Cycle. The Treasurer will receive the payroll clearing account bank statement unopened from the bank and will oversee the preparation of the monthly bank reconciliation. The reconciled bank balance will be compared to the general ledger balance on a monthly basis.

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<sup>1</sup> 65 ILCS 5/3-14-3.

<sup>2</sup> 65 ILCS 5/3-13-2.

2. Accounts Receivable/Cash Receipts and Accounts Payable/Cash Disbursements. The Treasurer will receive all bank statements unopened and oversee the preparation of the bank reconciliation for all financial institution accounts.

In addition, the treasurer will be responsible for reviewing and approving all proposed accounts receivable adjustments as recommended by the business manager.

The Treasurer shall oversee the deposit of and record all miscellaneous receipts. (amd. Ord. 10-17, 9-7-10)

3. Accounting Records/General Ledger. The Treasurer will review all subsidiary ledger reconciliation to the general ledger on a monthly basis.
4. Audits. The Treasurer shall be available to consult with the President and Board of Trustees on audit matters. (amd. Ord. 11-36, 4-16-12)
5. Internal Controls. The Treasurer is responsible for monitoring and revising the internal control structure of the Village, subject to approval by the Village Board of Trustees. (amd. Ord. 11-36, 4-16-12)
6. Cash Flow Requirements. The Treasurer will consult with the business manager and Village Board of Trustees on cash flow requirements.

The Treasurer will be responsible for investment of Village funds, per guidelines established by the Village Board of Trustees, recording all investment transactions in the general ledger, maintaining a detailed listing of all investments including holder of the funds, amount, investment date, maturity date, rate of annual return, and payment frequency, and provide a copy to the Village Trustees on a quarterly basis beginning with a report as of June 30, 2000. This listing will be reconciled to the appropriate general ledger accounts on a monthly basis.

7. Legal and Regulatory Matters. The Treasurer will be responsible for being current on all legal and regulatory matters applicable to the Treasurer's functions and responsibilities.
8. Police and Firemen Pension Treasurers. The Treasurer shall be custodian of the Police Pension Fund and the Firemen Pension Fund.
9. The Treasurer shall perform such other duties applicable to the Treasurer's functions and responsibilities as may be prescribed from time to time by the Village Board of Trustees. (amd. Ord. 00-17, 7-17-00)

1-8-4: **DEPOSIT OF FUNDS:** The Treasurer shall oversee the deposit of Village funds in the following depositories: Heartland Bank and Trust Company (Morton division), Morton Community Bank (Morton division), PNC Bank (Morton division), Commerce Bank, Peoria, IL, JP Morgan Chase Bank, N.A., South Side Trust and Savings Bank, Peoria, IL, United States Department of the Treasury, Bureau of the Public Debt (Treasury Direct), and State of Illinois Public Treasurer's Investment Pool. The Treasurer shall keep the deposit of the Village money separate and distinct from his or her own money and shall not make private or personal use of any Village money. (amd. Ord. 10-17, 9-7-10; amd. Ord. 11-18, 7-18-11)

The amount of public funds deposited in a financial institution shall not exceed the amount of insurance provided by the Federal Deposit Insurance Corporation or Federal Savings and Loan Insurance Corporation unless the amount by which such deposit exceeds the applicable insured amount is collateralized. For purposes of this procedure the Treasurer is authorized to accept only United States Government bonds or treasury bills as collateral. (Ord. 82-16, 1-17-83; amd. Ord. 01-22, 10-1-01; amd. Ord. 08-21, 10-20-08)

- 1-8-5:       **RECORDS:** The Treasurer shall keep the records showing all money received by the Village, showing the source from which it is received and the purpose for which it is paid, and shall keep records at all times showing the financial status of the Village. (1944 Code, Sec. 30; amd. Ord. 10-17, 9-7-10)
- 1-8-6:       **ACCOUNTING:** The Treasurer shall keep such books and accounts as may be required by Statute or Ordinance, and he or she shall keep them in the manner required by the Board of Trustees. (1944 Code, Sec. 31)
- 1-8-7:       **CHECKS:** The signatures of the President and the designated member of the Board of Trustees shall be required for all checks executed by the Village. (Ord. 97-35, 2-16-98)
- 1-8-8:       **ASSISTANT TREASURER:** There is hereby created the office of Assistant Treasurer which shall be subject to the following:
- (A)       The Assistant Treasurer shall not perform any duties nor have any responsibilities unless the Treasurer has notified the President of the Board of Trustees that he or she is unable to perform his or her duties.
- (B)       In the event the President has been so notified, he or she shall then notify the Assistant Treasurer, and in such case, the Assistant Treasurer shall have all the powers, duties, and responsibilities that the Treasurer has. Said powers, duties, and responsibilities shall be in effect only until such time as the Treasurer notifies the President that he or she can then resume his or her duties; and, in such case, the Assistant Treasurer's powers, duties, and responsibilities shall immediately cease.
- (C)       During the time the Assistant Treasurer is performing the Treasurer's duties, the Assistant Treasurer shall receive the compensation the Treasurer would have; and the Treasurer shall not receive any compensation.
- (D)       The Assistant Treasurer shall be appointed by the President and approved by the Board of Trustees. (Ord. 86-18, 2-16-87)



CHAPTER 9  
CORPORATION COUNSEL

## SECTION:

- 1-9-1        Creation; Appointment
- 1-9-2:        Special Counsel
- 1-9-3:        Suits And Actions
- 1-9-4:        Judgments
- 1-9-5:        Advice
- 1-9-6:        Special Assessments

1-9-1:        **CREATION; APPOINTMENT:** There is hereby created the office of Corporation Counsel, an executive office of the Village. The Corporation Counsel shall be appointed by the President and the Board of Trustees. (1944 Code, Sec. 32)

1-9-2:        **SPECIAL COUNSEL:** The President, with the consent of the Board of Trustees, may from time to time retain an attorney to represent or advise the Village on legal matters, if no Corporation Counsel has been appointed; and he may likewise retain special counsel to advise or represent the Village on special matters or to assist the Corporation Counsel. (1944 Code, Sec. 33)

1-9-3:        **SUITS AND ACTIONS:** The Corporation Counsel shall prosecute or defend any and all suits or actions at law or equity to which the Village may be a party, or in which it may be interested, or which may be brought against, or by, any officer of the Village on behalf of the Village or in the capacity of such person as an officer of the Village. (1944 Code, Sec. 34)

1-9-4:        **JUDGMENTS:** It shall be the duty of the Corporation Counsel to see to the full enforcement of all judgments or decrees entered or rendered in favor of the Village, and of all similar interlocutory orders. (1944 Code, Sec. 35)

1-9-5:        **ADVICE:** The Corporation Counsel shall be the legal advisor of the Village, and shall render advice on all legal questions affecting it, whenever requested to do so by any Village official. Upon request by the President of the Board, he shall reduce any such opinion to writing. (1944 Code, Sec. 36)

1-9-6:        **SPECIAL ASSESSMENTS:** It shall be the duty of the Corporation Counsel to see to the completion of all special assessment proceedings and condemnation proceedings. (1944 Code, Sec. 37)





## CHAPTER 10

**SUPERINTENDENT OF PUBLIC WORKS**

## SECTION:

- 1-10-1: Office Created  
 1-10-2: Superintendent's Powers And Duties  
 1-10-3: Operation Of The Department Of Public Works

1-10-1: **OFFICE CREATED:** There is hereby created the office of the Superintendent of Public Works who shall be appointed by and at all times act under the direct control of the President and the Board of Trustees.

1-10-2: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of Public Works:

- (A) To have charge of the water, sewer, and gas systems. He shall be responsible for the proper operation of same and is hereby authorized to enforce all laws and provisions pertaining thereto.
- (B) To have charge of all public streets, alleys, sidewalks, and other public rights of way, and supervision over the maintenance and repair of same.
- (C) To have charge of the maintenance and repair of all Village owned buildings.
- (D) To have charge of all physical property of the Village which is not assigned by the Board to some other officer or employee.
- (E) To handle all responsibilities and functions of the Plan Director, said responsibilities and functions being provided in Title 11 of this Code.
- (F) To perform and be responsible for all duties of the Village Engineer in the absence of the engagement of an engineer or an engineering firm as provided in Section 1-20-3 of this Code.

1-10-3: **OPERATION OF THE DEPARTMENT OF PUBLIC WORKS:** The Superintendent of Public Works shall have the authority to promulgate such rules, procedures, and policies as he deems appropriate in furtherance of the operation of the Department of Public Works.  
 (Ord. 86-6, 7-21-86)



CHAPTER 12  
VILLAGE COLLECTOR

## SECTION:

- 1-12-1: Appointment  
 1-12-2: Bond  
 1-12-3: General Duties  
 1-12-4: Records  
 1-12-5: Compensation

1-12-1: **APPOINTMENT:** There is hereby created the office of Collector of special taxes and assessments for the Village who shall be appointed by the President with the advice and consent of the Board of Trustees, and who shall serve at the will of the President and Board of Trustees.<sup>1</sup>

1-12-2: **BOND:** Before entering upon the duties of his office, the Village Collector shall execute a bond with security to be approved by the President and Board of Trustees conditioned upon the faithful performance of the duties of the office of the Village Collector, said bond to be in the amount of five thousand dollars (\$5,000.00).<sup>2</sup> (Ord. 80-53, 3-31-81)

1-12-3: **GENERAL DUTIES:** It shall be the duty of the Collector to collect all special taxes and assessments levied within the corporate limits of the Village in the manner as provided by Statute and Ordinance, and to deliver his receipts immediately to the Treasurer, and he shall perform such other duties as may be prescribed for him by Statute or Ordinance. (1944 Code, Sec. 62)

1-12-4: **RECORDS:** The Collector shall keep a record showing all money received by him, showing the source and purpose for which paid, and he shall keep his records in the manner required by the Board of Trustees. (1944 Code, Sec. 63)

1-12-5: **COMPENSATION:** The Collector shall receive no compensation for his services. (Ord. 80-53, 3-31-81)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-8-1 and 3-8-3.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.



## CHAPTER 13

**WATER, SEWER, AND GAS INSPECTOR**

## SECTION:

- 1-13-1: Appointment  
1-13-2: General Duties

1-13-1: **APPOINTMENT:** There is hereby created the office of Water, Sewer, and Gas Inspector, which office shall be held by the Superintendent of Public Works whose term of office as such Inspector shall be concurrent with his term of office as Superintendent of Public Works.<sup>1</sup> (1944 Code, Sec. 67 amd. 1970 Code)

1-13-2: **GENERAL DUTIES:** It shall be the duty of the Inspector to cause the inspection of all connections made to the public water, sewer, and gas systems of the Village to determine that the same are properly made. (1944 Code, Sec. 68)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-8-1.



## CHAPTER 14

**OFFICERS AND EMPLOYEES**

## SECTION:

- 1-14-1: Effect
- 1-14-2: Appointments
- 1-14-3: Terms Of Office
- 1-14-4: Assignment Of Duties
- 1-14-5: Records
- 1-14-6: Moneys Received
- 1-14-7: Oath
- 1-14-8: Bond
- 1-14-9: Salaries
- 1-14-10: Arrests
- 1-14-11: Termination Of Office
- 1-14-12: Impersonation
- 1-14-13: Interfering With Officers

1-14-1: **EFFECT:** The provisions of this Chapter shall apply alike to all officers or employees of the Village, regardless of the time of the creation of the office or of the time of the appointment of the officer. (1944 Code, Sec. 96)

1-14-2: **APPOINTMENTS:** The President and Board of Trustees shall make appointments to fill all appointive offices; employees shall be selected by the President.<sup>1</sup> (1944 Code, Sec. 97)

1-14-3: **TERMS OF OFFICE:** Where the term of office is not otherwise fixed, every appointive officer or employee of the Village shall hold office for a term of one year or until his successor is appointed and qualified. Employees selected shall serve so long as their services are desired. (1944 Code, Sec. 98)

1-14-4: **ASSIGNMENT OF DUTIES:** The President shall have power to assign to any appointive officer any duty which is not assigned by Ordinance to some other specific officer; and shall determine disputes or questions relating to the respective powers or duties of officers. (1944 Code, Sec. 99)

1-14-5: **RECORDS:** All records kept by any officer of the Village shall be open to inspection by the President, or any member of the Board at all reasonable times, whether or not such records are required to be kept by Statute or Ordinance. (1944 Code, Sec. 100)

1-14-6: **MONEYS RECEIVED:** Every officer and employee of the Village shall at least once each day turn over all moneys received by him in his official capacity to the Treasurer with a statement showing the source from which the same was received. (1944 Code, Sec. 101)

1-14-7: **OATH:** Every officer of the Village shall, before entering upon his duties, take and subscribe the oath prescribed by Section 3-14-3 of Chapter 24 of the Illinois Municipal Code. (1944 Code, Sec. 102)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-8-1.

- 1-14-8:     **BOND:** Every officer and employee shall, if required by the Board, before entering upon the duties of his office, give a bond in such amount as may be determined by the Board and with such sureties as it may approve, conditioned upon the faithful performance of the duties of his office or position.<sup>1</sup> (1944 Code, Sec. 103)
- 1-14-9:     **SALARIES:** All officers and employees of the Village shall receive such salaries as may be provided from time to time by the Village Board of Trustees. No officer or employee receiving a salary from the Village shall be entitled to retain any portion of any fees collected by him in the absence of a specific Ordinance provision to that effect. (1944 Code, Sec. 104)
- 1-14-10:    **ARRESTS:** The President and Board of Trustees, as well as every member of the Police Department, are hereby declared to be conservators of the peace. (1944 Code, Sec. 105)
- 1-14-11:    **TERMINATION OF OFFICE:** Every officer of the Village upon the termination of his office, for any cause whatsoever, shall deliver to his successor all books and records which may be the property of the Village and if no successor has been appointed within one week after the termination of office such property shall be delivered either to the Clerk or to the Treasurer. (1944 Code, Sec. 106)
- 1-14-12:    **IMPERSONATION:** It shall be unlawful for any person to impersonate without lawful authority any Village officer or employee. (1944 Code, Sec. 107)
- 1-14-13:    **INTERFERING WITH OFFICERS:** It shall be unlawful to interfere with or hinder any officer or employee of the Village while engaged in the duties of his office. (1944 Code, Sec. 108)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.



CHAPTER 15  
**VILLAGE JAIL**

SECTION:

- 1-15-1: Establishment
- 1-15-2: Keeper
- 1-15-3: Prisoners

1-15-1:     **ESTABLISHMENT:** The place in the Village heretofore established and used as the jail, or any other place which may hereafter be established by the Board of Trustees for that purpose, is hereby declared to be the Village Jail.<sup>1</sup> (1944 Code, Sec. 109)

1-15-2:     **KEEPER:** The Chief of Police shall be the keeper of the Jail and shall have custody over all persons confined therein and of all property pertaining thereto. (1944 Code, Sec. 110)

1-15-3:     **PRISONERS:** The Jail shall be used for the incarceration of all persons arrested for violating any laws of the State of Illinois, the United States, or for violating any provisions of this Code until such person shall be lawfully transferred to some other place of incarceration or otherwise lawfully released.

It shall be unlawful for any person to escape, attempt to escape, or to assist any prisoner to escape, or attempt to escape from the Village Jail.

It shall be unlawful for any person to communicate with any prisoner held in the Jail without the permission of the Chief of Police or the President. (1944 Code, Sec. 111)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 11-3-2.



CHAPTER 16  
**CORPORATE SEAL**

SECTION:

1-16-1: Corporate Seal

1-16-1: **CORPORATE SEAL:** The corporate seal of the Village shall be the Seal heretofore used for the Village, a circular disk containing the words "Village Seal" within a circle formed by the words "Morton, Tazewell County, Illinois." (1944 Code, Sec. 113)



CHAPTER 17

**FISCAL YEAR/INAUGURATION**

SECTION:

- 1-17-1: Fiscal Year
- 1-17-2: Inauguration

- 1-17-1: **FISCAL YEAR:** The fiscal year of the Village shall begin on the first day of May of each year and end on the thirtieth day of April.<sup>1</sup> (1944 Code, Sec. 114)
- 1-17-2: **INAUGURATION:** All persons elected to a position within the Village shall commence their term on the first Monday in May following the election. (Ord. 00-31, 9-18-00)

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<sup>1</sup> Defined by S.H.A. Ch. 24, Sec. 1-1-2(5).



CHAPTER 18  
**SURETY BONDS**

## SECTION:

- 1-18-1: Surety Bonds  
1-18-2: Additional Surety

1-18-1: **SURETY BONDS:** Whenever a surety bond to indemnify the Village is required as a prerequisite to exercising the duties of any office or position, or to the issuance of a license or permit or the exercise of any specific privilege, the surety on such bond, when requested by the Board of Trustees, shall be a corporation licensed and authorized to do business in this State as a surety company.<sup>1</sup> (1944 Code, Sec. 117)

1-18-2: **ADDITIONAL SURETY:** Whenever in its opinion additional sureties or an additional surety may be needed on any bond to indemnify the Village against loss or liability because of the insolvency of the existing surety or sureties or for any other reason, the Board of Trustees may order a new surety or sureties to be secured for such bond. If such new surety or sureties are not procured within ten (10) days from the time such order is transmitted to the principal on the bond, or his assignee, the Board shall declare the bond to be void, and thereupon such principal, or assignee, shall be deemed to have surrendered the privilege or position as a condition of which the bond was required. (1944 Code, Sec. 118)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 3-14-3.





## CHAPTER 19

## ILLINOIS MUNICIPAL RETIREMENT FUND

## SECTION:

- 1-19-1: Village To Participate  
1-19-2: Agent Appointed

1-19-1: **VILLAGE TO PARTICIPATE:** The Board of Trustees of the Village does hereby elect that said Village participate in the Illinois Municipal Retirement Fund, effective January 1, 1961. (Ord. 226, 11-7-60)

1-19-2: **AGENT APPOINTED:** The Business Manager shall be the duly appointed and designated agent authorized to act for the Village in all or any matters pertaining to the Illinois Municipal Retirement Fund Act.<sup>1</sup> (Ord. 226, 11-7-60; amd. Ord. 80-52, 3-31-81; Ord. 81-4, 5-4-81; Ord. 82-15, 10-18-82)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 108 1/2, Sec. 7-101 et seq. amd. 1963, 1967, 1968.



CHAPTER 20  
**VILLAGE ENGINEER**

## SECTION:

- 1-20-1: Appointment
- 1-20-2: Duties
- 1-20-3: Superintendent Of Public Works' Functions

1-20-1: **APPOINTMENT:** The President, with the consent of the Board of Trustees, may from time to time retain an engineer or engineering firm to represent and advise the Village on engineering matters.

1-20-2: **DUTIES:** The engineer or engineering firm shall perform such duties as are required by the terms and conditions of the engagement, and shall receive the compensation provided for in such engagement.

1-20-3: **SUPERINTENDENT OF PUBLIC WORKS' FUNCTIONS:** In the absence of the engagement of an engineer or engineering firm, the Superintendent of Public Works shall perform and be responsible for all duties as provided for in any Ordinance of the Village which refers to the Village Engineer. (Ord. 80-43, 4-6-81)



## CHAPTER 21

**VACANCIES IN MUNICIPAL OFFICE**

## SECTION:

- 1-21-1: Implementation of Procedure
- 1-21-2: Determination of Vacancy
- 1-21-3: Removal

1-21-1: **IMPLEMENTATION OF PROCEDURE:** In the event it appears a vacancy exists in a municipal office for any of the reasons enumerated in 65 ILCS 5/3.1-10-50, a member of the Board of Trustees may present those facts to the Board of Trustees.

1-21-2: **DETERMINATION OF VACANCY:** After all facts pertaining to the applicability of 65 ILCS 5/3.1-10-50 have been presented to the Board of Trustees, upon majority vote of the corporate authorities, a determination shall be made as to whether or not a vacancy exists.

1-21-3: **REMOVAL:** If a majority of the corporate authorities determines that a vacancy exists as described in 65 ILCS 5/3.1-10-50, the officer shall be removed from office.  
(Ord. 04-30, 9-7-04)



## CHAPTER 22

**FREEDOM OF INFORMATION OFFICERS**

## SECTION:

- 1-22-1: Creation of Office
- 1-22-2: Police Department
- 1-22-3: Fire & Paramedic Departments
- 1-22-4: All Other Departments
- 1-22-20: Designees

- 1-22-1: **CREATION OF OFFICE:** There is hereby created the office of Freedom of Information Officer. There will be one for each department as specified in this Chapter.
- 1-22-2: **POLICE DEPARTMENT:** The Freedom of Information Officer shall be the Deputy Chief of Police.
- 1-22-3: **FIRE & PARAMEDIC DEPARTMENTS:** The Freedom of Information Officer shall be the Director of Fire & Emergency Services.
- 1-22-4: **ALL OTHER DEPARTMENTS:** The Freedom of Information Officer shall be the Village Clerk.
- 1-22-20: **DESIGNEES:** Each Freedom of Information Officer may designate one or more persons to fulfill their duties in their absence. Such designation shall be made in writing and filed with the President of the Board of Trustees. Such designation may be changed at any time by revoking the prior designation and filing a new one, as provided herein. (Ord. 09-35, 12-21-09)





CHAPTER 23  
VILLAGE ADMINISTRATOR

## SECTION:

- 1-23-1: Creation of Office  
 1-23-2: Assumption of Duties  
 1-23-3: General Duties  
 1-23-4: Assignment of Specific Duties  
 1-23-5: Treasurer Signature

- 1-23-1: **CREATION OF OFFICE:** There is hereby created the office of Village Administrator, who shall be appointed by the President with the consent of the Board of Trustees.
- 1-23-2: **ASSUMPTION OF DUTIES:** The Village Administrator shall perform all duties of the Treasurer/Comptroller as set forth in Title 1 Chapter 8.
- 1-23-3: **GENERAL DUTIES:** The Village Administrator shall also have the following general duties:
- (A) Risk Management
  - (B) Insurance Administration
  - (C) Personnel Management
  - (D) Preparation/filing of annual appropriation ordinance & tax levy
  - (E) Supervision of the administration department, information and technology development and office of tourism
  - (F) Review of liquor license applications and renewals
- 1-23-4: **ASSIGNMENT OF SPECIFIC DUTIES:** In addition to the duties set forth in Sections 2 and 3, the President of the Board of Trustees may from time to time assign additional specific duties.
- 1-23-5: **TREASURER SIGNATURE:** Where a document requires a signature by the Treasurer, the Village Administrator shall execute same in his or her capacity as Treasurer.  
 (Ord. 12-30, 4-1-13)



## 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)

## CHAPTER 25

**LOCAL GOVERNMENT TRAVEL CONTROL ACT POLICY**

## SECTION:

- 1-25-1: Definitions, General
- 1-25-2: Permissible Reimbursable Travel Expenses
- 1-25-3: Maximum Allowable Reimbursement
- 1-25-4: Standardized Form for Submission of Expenses
- 1-25-5: Reimbursement for Entertainment Expenses Prohibited
- 1-25-6: Board of Trustees Travel Expenses

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

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

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

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

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

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

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

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

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

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



**TITLE 2**  
**BOARDS AND COMMISSIONS**

Subject	Chapter
Plan Commission .....	2
Board Of Local Improvements .....	3
Board Of Fire And Police Commissioners .....	4
Police Pension Fund Board .....	5
Emergency Services And Disaster Agency .....	6
Board Of Appeals .....	7
Business District Development and Redevelopment Commission .....	8
Tourism Committee .....	9



CHAPTER 2  
**PLAN COMMISSION**

SECTION:

- 2-2-1:        Organization  
 2-2-2:        Powers Of The Board  
 2-2-3:        Rules Of Procedure

2-2-1:        **ORGANIZATION:**

(A)            A Plan Commission is hereby established in accordance with the provisions of the Statutes applicable thereto. Regular meetings of the Commission shall be held at such time and place within the Village as the Commission may determine. Special meetings may be held at the call of the Chairman, or as determined by the Commission. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Commission shall be open to the public. Such Commission shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent, or fails to vote, the minutes shall indicate such fact. The Commission shall adopt its own rules of procedure not in conflict with Statutes or the provisions of Title 10 of this Code. (Ord. 500, 10-6-69; amd. Ord. 01-43, 4-15-02)

(B)            The Plan Commission shall consist of nine (9) members who shall be appointed by the President, subject to confirmation by the Village Trustees, on the basis of their particular fitness and competency for their duties on said Commission. The successor of each member heretofore appointed shall serve for a term of five (5) years. Each member of the Plan Commission shall receive compensation at the rate of fifty dollars (\$50.00) per each Plan Commission meeting attended. Vacancies shall be filled for the unexpired term of any member whose place has become vacant. No hearing shall be conducted without a quorum of the Commission being present, which shall consist of a majority of all the members. (Ord. 77-1, 77; amd. Ord. 84-19, 2-4-85; amd. Ord. 01-43, 4-15-02; amd. Ord. 04-31, 9-7-04)

2-2-2:        **POWERS OF THE BOARD:** No plans, plats, or replats of land within the corporate limits of the Village or in contiguous territory outside of and distant not more than one and one-half (1 1/2) miles from such limits shall be entitled to record or shall be valid unless the subdivision shown thereon shall provide for streets and public grounds in conformity with the recommendation of the Commission. In case of the disapproval by the Commission of any such plat, the reasons for such disapproval shall be submitted to the Village Board which may overrule such disapproval by majority vote of its members. The failure of the Commission to disapprove any properly submitted plat within a period of sixty (60) days from the date of its filing shall be deemed acceptance of such plat. (Ord. 500, 10-6-69)

2-2-3:        **RULES OF PROCEDURE:** The Plan Commission is authorized to adopt Rules of Procedure governing public hearings conducted before the Plan Commission so long as such Rules of Procedure do not conflict with any provisions of the Morton Municipal Code. In the event of a conflict between the provisions of the Morton Municipal Code and the Rules of Procedure adopted by the Plan Commission, the provisions of the Morton Municipal Code shall apply. (Ord. 17-10, 7-17-17)



## CHAPTER 3

**BOARD OF LOCAL IMPROVEMENTS**

## SECTION:

- 2-3-1: Appointments  
2-3-2: General Duties

2-3-1: **APPOINTMENTS:** There is hereby established a Board of Local Improvements for the Village, which shall consist of the President of the Village, who shall be the President of the Board of Local Improvements, and all of the members of the Board of Trustees of the Village. The President with the approval of the members of the Board of Local Improvements shall appoint a member of said Board to serve as Clerk.<sup>1</sup>

2-3-2: **GENERAL DUTIES:** The Board of Local Improvements shall have the powers and perform the duties assigned to it by Statute or provision of this Code, and shall have the power of employing the services of an engineer for any local improvement originated by it. (Ord. 82; 6-1-53)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 9-2-7.



## CHAPTER 4

**BOARD OF FIRE AND POLICE COMMISSIONERS**

## SECTION:

- 2-4-1: Commission Created
- 2-4-2: Appointment
- 2-4-3: Qualifications Of Members; Oath; Bond
- 2-4-4: Powers And Duties
- 2-4-5: Secretary; Compensations
- 2-4-6: Meeting And Examination Rooms

2-4-1: **COMMISSION CREATED:** There is hereby created a Board of Fire and Police Commissioners consisting of three (3) members, as provided by Statute.<sup>1</sup>

2-4-2: **APPOINTMENT:** The Board of Fire and Police Commissioners shall be appointed by the President, by and with the consent of the Board of Trustees. The terms of office of the members of the Board of Fire and Police Commissioners shall be three (3) years and until their respective successors shall be appointed and qualified; provided, that no such appointments shall be made by any President within thirty (30) days before the expiration of his term of office; provided further, that the President shall appoint the first members of such Board, one of whom shall serve until the end of the current municipal year in which such appointment is made, another shall serve until the end of the municipal year next ensuing, and the third shall serve until the end of the municipal year second next ensuing; and provided further, that each of the first members of the Board shall serve until his successor is appointed and qualified.<sup>2</sup>

2-4-3: **QUALIFICATIONS OF MEMBERS; OATH; BOND:** The members of the Board of Fire and Police Commissioners shall have such qualifications as are now, or may hereafter be, required of them by law. Each member of the Board of Fire and Police Commissioners shall take oath or affirmation of office and shall execute and deliver to the Village a bond in the sum of one thousand dollars (\$1,000.00) with such sureties as the President and Board of Trustees shall approve, conditioned for the faithful performance of the duties of his office. The members of the Board of Fire and Police Commissioners shall be subject to removal from office in the same manner as other officers of the Village.<sup>3</sup>

2-4-4: **POWERS AND DUTIES:** The Board of Fire and Police Commissioners shall have such powers and duties as are now, or as may hereafter be, given to it by law, but is hereby specifically prohibited from appointing a Chief of Police, which said right of appointment shall be exercised solely by the President and Board of Trustees of the Village. It shall not be mandatory that the Chief of Police be a member of the Police Department.

2-4-5: **SECRETARY; COMPENSATIONS:** The Board may employ a Secretary or designate one of its own members to act as Secretary. The Secretary shall be paid a reasonable compensation for their services to be fixed by the corporate authorities. Members of the Board shall receive compensation at the rate of twenty five dollars (\$25.00) per month. (amd. Ord. 01-43, 4-15-02)

2-4-6: **MEETING AND EXAMINATION ROOM:** The corporate authorities shall provide suitable rooms for the Board and shall allow reasonable use of public buildings for holding examinations by the Board. (Ord. 233, 12-19-60)

<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 10-2.1-1 amd. 1965.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 10-2.1-2 amd. 1965, 1967.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 10-2.1-3 amd. 1965.





## CHAPTER 5

**POLICE PENSION FUND BOARD**

## SECTION:

- 2-5-1: Fund Established  
 2-5-2: Pension Board Of Trustees  
 2-5-3: Deposits; Deductions

2-5-1: **FUND ESTABLISHED:** There shall be a Police Pension Fund established in the Village as provided by law.

2-5-2: **PENSION BOARD OF TRUSTEES:** The Board of Trustees of the said Fund shall consist of five (5) members, two (2) appointed by the President, two (2) elected by the members of the Police Department, and one (1) elected by the beneficiaries of the Pension Fund. The elections shall be held on the third Monday in April, and the term of each member shall be two (2) years. The Pension Board shall meet at least quarterly as provided by law, and shall hold such additional meetings as may be called by the President of the Pension Board.

2-5-3: **DEPOSITS; DEDUCTIONS:** There shall be deposited in the Pension Fund the sums required by law, which shall include seven percent (7%) per month deducted from the salary of each member of the police force; and the proceeds of an annual tax at the rate on the dollar of all such taxable property which will produce an amount which, when added to the deductions from the salaries or wages of policemen, will equal a sufficient sum to meet the annual requirements of said Pension Fund established under the provisions of "An Act to provide for the setting apart, formation, and disbursement of a police pension fund in cities, villages, and incorporated towns having a population of not more than two hundred thousand (200,000) inhabitants", known as Section 892 of Chapter 24 of the Illinois Revised Statutes, and all Acts amendatory thereto.<sup>1</sup> (Ord. 234, 12-19-60)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 10-8-1 et seq.



## CHAPTER 6

**EMERGENCY SERVICES AND DISASTER AGENCY**

## SECTION:

- 2-6-1: Organization Created
- 2-6-2: Coordinator
- 2-6-3: Functions
- 2-6-4: Service As Mobile Support Team
- 2-6-5: Mutual Aid Agreements
- 2-6-6: Emergency Action
- 2-6-7: Compensation
- 2-6-8: Reimbursement By State
- 2-6-9: Purchases And Expenditures
- 2-6-10: Oath
- 2-6-11: Office
- 2-6-12: Appropriation

2-6-1:       **ORGANIZATION CREATED:** There is hereby created the Morton Emergency Services and Disaster Agency to prevent, minimize, repair, and alleviate injury or damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or from natural or man-made disaster, in accordance with "The Illinois Emergency Services and Disaster Act of 1975."

The ESDA shall consist of the Coordinator and such additional members as may be elected by the Coordinator.

2-6-2:       **COORDINATOR:** The Coordinator of the Village ESDA shall be appointed by the President of the Board of Trustees and shall serve until removed by same.

The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the ESDA, subject to the direction and control of the President of the Board of Trustees as provided by Statute.

In the event of the absence, resignation, death, or inability to serve as the Coordinator, the President of the Board of Trustees or any person designated by him, shall be and act as Coordinator until a new appointment is made as provided in this Chapter.

2-6-3:       **FUNCTIONS:** The Village ESDA shall perform such ESDA functions within the Village as shall be prescribed in and by the State ESDA plan and program prepared by the Governor, and such orders, rules, and regulations as may be promulgated by the Governor, and in addition shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality, or quasi-municipality entered into as provided by "The State ESDA Act of 1975."

2-6-4: **SERVICE AS MOBILE SUPPORT TEAM:** All or any members of the Village ESDA organization may be designated as members of a mobile support team created by the Director of the State ESDA as provided by law.

The leader of such mobile support team shall be designated by the Coordinator of the Village ESDA organization.

Any member of a mobile support team who is a Village employee or officer while serving on call to duty by the Governor, or the State Director, shall receive the compensation and have the powers, duties, rights, and immunities incident to such employment or office. Any such member who is not a paid officer or employee of the Village, while so serving, shall receive from the State reasonable compensation as provided by law.

2-6-5: **MUTUAL AID AGREEMENTS:** The Coordinator of ESDA may negotiate mutual aid agreements with other cities or political subdivisions of the State, but no such agreement shall be effective until it has been approved by the President of the Board of Trustees and by the State Director of ESDA.

2-6-6: **EMERGENCY ACTION:** If the Governor proclaims that a disaster emergency exists in the event of actual enemy attack upon the United States or the occurrence within the State of Illinois of a major disaster resulting from enemy sabotage or other hostile action, or from man-made or natural disaster, it shall be the duty of the Village ESDA to cooperate fully with the State ESDA and with the Governor in the exercise of emergency powers as provided by law.

2-6-7: **COMPENSATION:** Members of the ESDA who are paid employees or officers of the Village, if called for training by the State Director of ESDA, shall receive for the time spent in such training the same rate of pay as is attached to the position held; members who are not such Village employees or officers shall receive for such training time such compensation as may be established by the President of the Board of Trustees.

2-6-8: **REIMBURSEMENT BY STATE:** The State Treasurer may receive and allocate to the appropriate fund, any reimbursement by the State to the Village for expenses incident to training members of the ESDA as prescribed by the State Director of ESDA, compensation for services and expenses of members of a mobile support team while serving outside the Village in response to a call by the Governor or State Director of ESDA, as provided by law, and any other reimbursement made by the State incident to ESDA activities as provided by law.

2-6-9: **PURCHASES AND EXPENDITURES:** The President of the Board of Trustees may, on recommendation of the Village Coordinator of ESDA, authorize any purchase of contracts necessary to place the Village in a position to combat effectively any disaster resulting from the explosion of any nuclear or other bomb or missile, and to protect the public health and safety, protect property, and provide emergency assistance to victims in the case of such disaster, or from man-made or natural disaster.

In the event of enemy caused or other disaster, the Village Coordinator of ESDA is authorized, on behalf of the Village to procure such services, supplies, equipment, or material as may be necessary for such purposes, in view of the exigency without regard to the Statutory procedures or formalities normally prescribed by law pertaining to Village contracts or obligations, as authorized by "The State ESDA Act of 1975," provided that if the President of the Board of Trustees meets at such time he shall act subject to the directions and restrictions imposed by the body.

2-6-10: **OATH:** Every person appointed to serve in any capacity in the Village ESDA organization shall, before entering upon his duties subscribe to the following oath, which shall be filed with the Coordinator:

I, \_\_\_\_\_ do solemnly swear (or affirm) that I will support and defend and bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of Illinois, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I nor have I been a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am affiliated with the Morton ESDA organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence.

2-6-11: **OFFICE:** The President of the Board of Trustees is authorized to designate space in a Village building, or elsewhere, as may be provided for by the President of the Board of Trustees for the Village ESDA as its office.

2-6-12: **APPROPRIATION:** The President of the Board of Trustees may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed five cents (\$.05) per one hundred dollars (\$100.00) of the assessed value of all taxable property in addition to all other taxes, as provided by "The State ESDA Act of 1975;" however, that amount collectable under such levy shall in no event exceed twenty five cents (\$.25) per capita. (Ord. 78-16, 9-18-78)



## CHAPTER 7

**BOARD OF APPEALS**

## SECTION:

- 2-7-1: Organization  
 2-7-2: Procedures And Powers  
 2-7-3: Appeals To Court

2-7-1: **ORGANIZATION:**

(A) A Board of Appeals is hereby established in accordance with the provisions of the Statutes applicable thereto. Regular meetings of the Board shall be held at such time and place within the Village as the Board may determine. Special meetings may be held at the call of the Chairman, or as determined by the Board. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Zoning Board shall be open to the public. Such Board shall keep minutes of its proceedings showing the vote of each member on every question. If any member is absent, or fails to vote, the minutes shall indicate such fact. The Board shall adopt its own rules of procedure not in conflict with Statutes or the provisions of Title 10 of this Code. (Ord. 500, 10-6-69; amd. Ord. 01-43, 4-15-02)

(B) The Board of Appeals shall consist of seven (7) members who shall be appointed by the President, subject to confirmation by the Village Trustees. The successor of each member heretofore appointed shall serve for a term of five (5) years. Each member of the Zoning Board of Appeals shall receive compensation at the rate of fifty dollars (\$50.00) per each Zoning Board of Appeals meeting attended. Vacancies shall be filled for the unexpired term of any member whose place has become vacant. No hearing shall be conducted without a quorum of the Board being present, which shall consist of a majority of all the members. Any absent member who has certified that he has read the transcript of the proceedings before the Board may vote upon any question before the Board. (amd. Ord. 01-43, 4-15-02; amd. Ord. 04-31, 9-7-04)

2-7-2: **PROCEDURES AND POWERS:** The Zoning Board of Appeals proceedings and powers shall be governed by the provisions of Title 10 of the Morton Municipal Code. The Zoning Board of Appeals is hereby authorized to adopt Rules of Procedure governing public hearings conducted before the Zoning Board of Appeals so long as such Rules of Procedure do not conflict with any provisions of the Morton Municipal Code. In the event of a conflict between the provisions of the Morton Municipal Code and the Rules of Procedure adopted by the Zoning Board of Appeals, the provisions of the Morton Municipal Code shall apply. (amd. Ord. 17-10, 7-17-17)

2-7-3: **APPEALS TO COURT:** All final administrative decisions of the Board of Appeals under the terms of this Chapter and Title 10 of the Morton Municipal Code shall be subject to judicial review pursuant to the provisions of the "Administrative Review Act," approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto. (Ord. 78-33, 3-5-79)





## CHAPTER 8

**BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT COMMISSION**

## SECTION:

- 2-8-1: Creation
- 2-8-2: Composition; Appointment
- 2-8-3: Terms; Vacancies; Compensation
- 2-8-4: Organization; Meetings
- 2-8-5: Duties, Functions, And Responsibilities
- 2-8-6: Authority

2-8-1: **CREATION:** There is hereby created a commission which shall be known as the Business District Development and Redevelopment Commission.

2-8-2: **COMPOSITION; APPOINTMENT:** The Commission shall consist of nine (9) voting members and three (3) non-voting members. The non-voting members of the Commission shall consist of a member of the Board of Trustees, with another member of the Board of Trustees serving as an alternate, the Treasurer of the Village of Morton or his/her designee, and the Executive Director/Chief Executive Officer of the Morton Economic Development Council. Members of the Commission shall be appointed by the President, by and with the advice and consent of the Board of Trustees. (amd. Ord. 11-31, 1-3-12)

2-8-3: **TERMS; VACANCIES; COMPENSATION:**

(A) Upon initial appointment, the voting members of the Commission shall be appointed for one-, two-, or three-year terms of office, as designated by the President at the time of appointment. Voting members of the Commission appointed after the initial appointments creating the Commission shall hold office for a term of three (3) years, or until a successor has been chosen and has qualified.

(B) All vacancies occurring on the Commission shall be filled by appointment for the remainder of the unexpired term in the same manner as original appointments.

(C) Members of the Commission shall serve without compensation.

2-8-4: **ORGANIZATION; MEETINGS:**

(A) The Commission shall designate one of its members to serve as Chairperson of the Commission and one of its members to serve as Vice-Chairperson of the Commission. Such designations shall be for a period of one (1) year.

(B) The Commission shall meet at such times and places as it shall determine. Special meetings of the Commission may be called by the Chairperson of the Commission or by any three (3) members of the Commission. All meetings of the Commission shall be held in accordance with the provisions of the Open Meetings Act (5 ILCS 120/1 et seq.). A majority of the voting members of the Commission shall constitute a quorum to do business.

2-8-5: **DUTIES, FUNCTIONS, AND RESPONSIBILITIES:** The Commission shall have the following duties, functions, and responsibilities:

- (A) Prepare policies and procedures, and amendments thereto, pertaining to the administration of any grant or loan program that may be established by the Village pursuant to the Business District Development and Redevelopment Act (65 ILCS 5/11-74.3-1 et seq.), as may be amended from time to time, and in accordance with the Morton Business District Development and Redevelopment Plan, as may be amended from time to time, for approval and adoption by the President and Board of Trustees.
- (B) Review applications for assistance submitted pursuant to any grant or loan program that may be established by the Village pursuant to the Business District Development and Redevelopment Act (65 ILCS 5/11-74.3-1 et seq.), as may be amended from time to time, and in accordance with the Morton Business District Development and Redevelopment Plan, as may be amended from time to time, and make recommendations regarding same for action by the President and Board of Trustees.
- (C) Make such recommendations to the President and Board of Trustees as it may deem necessary to achieve the goals and objectives of the Morton Business District Development and Redevelopment Plan and to perform its duties, functions, and responsibilities.
- (D) Report periodically to the President and Board of Trustees on the progress of the Commission in the performance of its duties, functions, and responsibilities.
- (E) Perform such other duties, functions, and responsibilities that may be assigned to it by the President and Board of Trustees from time to time.

2-8-6: **AUTHORITY:**

- (A) The Commission shall have no independent authority, but shall serve strictly as an advisory body to the President and Board of Trustees with only those powers expressly delegated to it and shall have no authority to act on behalf of the Village.
- (B) The Commission shall expend no monies except as provided in the Annual Appropriation Ordinance of the Village and only upon the prior approval of the President and Board of Trustees.

## CHAPTER 9

**TOURISM COMMITTEE**

## SECTION:

- 2-9-1: Committee Created
- 2-9-2: Appointment
- 2-9-3: Qualifications of Members; Oath; Bond
- 2-9-4: Powers and Duties
- 2-9-5: Secretary
- 2-9-6: Meetings; Organization

2-9-1: **COMMITTEE CREATED:** There is hereby created a Tourism Committee consisting of seven (7) members.

2-9-2: **APPOINTMENT:** The members of the Tourism Committee shall be appointed by the Village President with the advice and consent of the Board of Trustees. The terms of office of the members of the Tourism Committee shall be two (2) years and until their respective successors shall be appointed and qualified, provided that no such appointment shall be made by any President within thirty (30) days before the expiration of his term of office. The terms of the members of the Tourism Committee shall be staggered so that in each year, at least three (3) terms on the Tourism Committee shall expire.

2-9-3: **QUALIFICATIONS OF MEMBERS; OATH; BOND:** The members of the Tourism Committee shall be subject to the following qualifications. Each member of the Tourism Committee shall not have been convicted of any felony, and shall not be in arrears on any indebtedness to the Village of Morton. Each member of the Tourism Committee shall take an oath or affirmation of office and shall execute and deliver to the Village of Morton a bond in the sum of One Thousand Dollars (\$1,000.00) with such sureties as the President and Board of Trustees shall approve, conditioned for the faithful performance of the duties of his office. Members of the Tourism Committee shall be subject to removal from office in the same manner as other officers of the Village.

2-9-4: **POWERS AND DUTIES:** The Tourism Committee shall have such powers and duties as are now, or may hereafter be, given to it by law, or by express delegation from the Board of Trustees. The principal duty of the Tourism Committee shall be to review and consider applications for grants from the Village's Tourism Fund and to make advisory recommendations to the Board of Trustees. Then Village Administrator may establish a process to be followed by the Tourism Committee for accepting requests for funding, reviewing requests for funding, and for determining which requests shall be recommended for approval to the Board of Trustees. The Tourism Committee shall adhere to any process established by the Village Administrator. The Tourism Committee shall not have the authority to take final and binding action on requests for grants. The Tourism Committee shall make advisory recommendation only. Final decisions on expenditures from the Tourism Fund shall be made at the sole discretion of the Board of Trustees. The Tourism Committee shall further have the authority and discretion to make such recommendations to the President and Board of Trustees as it may deem necessary to achieve the goals and objectives of promoting tourism and conventions to and within the Village, or otherwise attracting nonresident overnight visitors to the Village. The Tourism Committee shall report periodically to the President and Board of Trustees on the progress of the Committee and the performance of its duties, functions, and responsibilities, and shall provide such further additional information as may be requested by the President and Board of Trustees.

2-9-5: **SECRETARY:** The Village Administrator, or her designee, shall serve as Secretary of the Tourism Committee. The Secretary of the Tourism Committee shall take minutes of all meetings of the Tourism Committee and shall prepare and post all meeting agenda.

**2-9-6 : MEETINGS; ORGANIZATION:**

- (A) The Tourism Committee shall designate by a majority vote of its members one of its members to serve as Chairperson of the Committee and one of its members to serve as Vice-Chairperson of the Committee. Such designation shall be for a period of one (1) year.
- (B) The Committee shall meet at such times and places as it shall determine. Special meetings of the Committee may be called by the Chairperson of the Committee or by the Village Administrator. All meetings of the Committee shall be held in accordance with the provisions of the Illinois Open Meetings Act (5ILCS 120/1 et seq.) A majority of the voting members of the Committee shall constitute a quorum to do business.

(Ord. 16-16, 3-6-17)

**TITLE 3**  
**BUSINESS REGULATIONS**

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Business District Retailers' Occupation Tax And Business District Service Occupation Tax . . . . .	2
Raffles . . . . .	3
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## CHAPTER 1

**LICENSES AND PERMITS**

## SECTION:

- 3-1-1: Fees
- 3-1-2: Termination of Licenses
- 3-1-3: Building and Premises
- 3-1-4: Transfer; Change of Location
- 3-1-5: Nuisances
- 3-1-6: Inspections
- 3-1-7: Revocation
- 3-1-8: Posting License

3-1-1: **FEES:** When a business is commenced after the expiration of a part of the license year, an annual license for the balance of the year will be issued for a proportionate part of the annual fee. (Ord. 04-53, 3-7-05)

3-1-2: **TERMINATION OF LICENSES:** In the absence of any provision to the contrary, all annual licenses and permits shall terminate on the last day of the fiscal year of the Village in which they are issued, and all daily licenses and permits shall terminate at twelve o'clock (12:00) midnight of the day for which the license or permit is granted. (Ord. 04-53, 3-7-05)

3-1-3: **BUILDING AND PREMISES:** No license or permit shall be issued for the conduct of any business or the performance of any act if the premises and building to be used do not fully comply with the requirements of the Village. No such license or permit shall be issued for the conduct of any business or the performance of any act which would involve a violation of the zoning provisions of this Code. (Ord. 04-53, 3-7-05)

3-1-4: **TRANSFER; CHANGE OF LOCATION:** Licenses issued may be transferred by the original licensee provided that written notice is given to the Village within ten (10) days before the transfer is made, but no more than one (1) transfer of any license shall be made within the license year; provided that it shall be unlawful to transfer any peddler's or itinerant merchant's license or permit, and any attempted transfer of such a license or permit shall have no effect. (Ord. 04-53, 3-7-05)

The location of any licensed business or occupation, or of any permitted act, may be changed that written notice thereof is given to the Village within ten (10) days before the change is made; provided that the building and zoning requirements of the provisions of this Code are complied with. (Ord. 04-53, 3-7-05)

3-1-5: **NUISANCES:** No business, licensed or not, shall be so conducted or operated as to amount to a nuisance in fact. (Ord. 04-53, 3-7-05)

3-1-6:       **INSPECTIONS:** Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by ordinance, or are reasonably necessary to secure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit thereto for the purpose of making such inspection at any reasonable time that admission is requested, any authorized officer or employee of the Village. (Ord. 04-53, 3-7-05)

In addition to any other penalty which may be provided, the President of the Board may revoke the license of any licensed proprietor of any licensed business in the Village who refuses to permit any such officer or employee, who is authorized, to make such inspection, or who interferes with such officer or employee while in the performance of his duty in making such inspection. Provided that no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the Village, stating that such inspection is desired at the time it is sought to make the inspection. (Ord. 04-53, 3-7-05)

3-1-7:       **REVOCATION:** Any license or permit for a limited time may be revoked by the President at any time during the life of such license or permit for any violation by the licensee or permittee of the provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed. (Ord. 04-53, 3-7-05)

3-1-8:       **POSTING LICENSE:** It shall be the duty of any person conducting a licensed business in the Village to keep his license posted in a prominent place on the premises used for such business at all times. (Ord. 04-53, 3-7-05)



## CHAPTER 2

**BUSINESS DISTRICT RETAILERS' OCCUPATION TAX AND  
BUSINESS DISTRICT SERVICE OCCUPATION TAX**

## SECTION:

- 3-2-1: Business District Retailers' Occupation Tax  
 3-2-2: Business District Service Occupation Tax  
 3-2-3: Morton Business District Tax Allocation Fund

**3-2-1: BUSINESS DISTRICT RETAILERS' OCCUPATION TAX:** A Business District Retailers' Occupation Tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in the Morton Business District (as described and designated by Ordinance Number 09-43) at the rate of 0.25% of the gross receipts from the sales made in the course of such business. This tax is not imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. This tax shall be in effect for so long as the Morton Business District shall continue in existence and shall terminate upon termination of the Morton Business District. The tax imposed by this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois Department of Revenue and paid over to the Village as provided by the Business District Development And Redevelopment Act (65 ILCS 5/11-74.3-1 et seq.), as may be amended from time to time.

**3-2-2: BUSINESS DISTRICT SERVICE OCCUPATION TAX:** A Business District Service Occupation Tax is hereby imposed upon all persons engaged, in the Morton Business District (as described and designated by Ordinance Number 09-43), in the business of making sales of service, who, as an incident to making those sales of service, transfer tangible personal property within the Morton Business District, either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. The tax shall be imposed at the rate of 0.25% of the selling price of tangible personal property so transferred within the Morton Business District. This tax is not imposed on food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. This tax shall be in effect for so long as the Morton Business District shall continue in existence and shall terminate upon termination of the Morton Business District. The tax imposed by this Section and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois Department of Revenue and paid over to the Village as provided by the Business District Development And Redevelopment Act (65 ILCS 5/11-74.3-1 et seq.), as may be amended from time to time.

**3-2-3: MORTON BUSINESS DISTRICT TAX ALLOCATION FUND:** The proceeds of the taxes imposed herein shall be deposited into a special fund held by the Corporate Authorities called the "Morton Business District Tax Allocation Fund". Money deposited into such fund shall be expended in accordance with the provisions of the Business District Development And Redevelopment Act (65 ILCS 5/11-74.3-1 et seq.), as may be amended from time to time, and in accordance with the Morton Business District Development And Redevelopment Plan approved and adopted by Ordinance Number 09-43, as may be amended from time to time. (Ord. 09-44, 3-15-10)



## CHAPTER 3

**RAFFLES**

## SECTION:

- 3-3-1: Purpose and Title
- 3-3-2: Construction
- 3-3-3: Definitions
- 3-3-4: License Requirements
- 3-3-5: Area Limitation on Sale of Chances
- 3-3-6: Application
- 3-3-7: License Qualifications
- 3-3-8: Fees
- 3-3-9: Person or Organizations Ineligible
- 3-3-10: License Issuance
- 3-3-11: Conduct of Raffles
- 3-3-12: Raffles Manager
- 3-3-13: Records
- 3-3-14: Sale Limitations
- 3-3-15: Prize Limitations
- 3-3-16: Chance Limitation
- 3-3-17: Awarding of Prize
- 3-3-18: Severability
- 3-3-19: License Suspension or Revocation
- 3-3-20: Penalty

3-3-1: **PURPOSE AND TITLE:**

- (A) Purpose: The purpose of this chapter is to regulate and control the conduct of raffles within the Village.

3-3-2: **CONSTRUCTION:** In the construction of this chapter, the definitions hereunder shall be observed and applied, except when the context clearly indicates otherwise:

- (A) Words used in the present tense shall include the future; words used in the singular number shall include the plural number; and the plural number shall include the singular number.
- (B) The word SHALL is mandatory and not discretionary.
- (C) The word MAY is permissive or discretionary.
- (D) Words not defined shall be interpreted in accordance with definitions contained in Webster's New Collegiate Dictionary current edition.

3-3-3: **DEFINITIONS:** For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUSINESS ORGANIZATION**                      A voluntary organization composed of individuals or businesses who have joined together to advance the commercial, financial, industrial and civic interest of a community.

CHANCE	A number or a combination of numbers, or some other symbol or combination of symbols, one or more of which chances is represented to qualify for designation as the winning chance.
CHARITABLE ORGANIZATION	An organization or an institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit upon the public.
EDUCATIONAL ORGANIZATION	An organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax supported schools.
FRATERNAL ORGANIZATION	An organization of persons having a common interest, the primary interest of which is to both promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those who otherwise would be cared for by the government.
LABOR ORGANIZATION	An organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.
LICENSEE	An organization which has been issued a license to operate a raffle.
NET PROCEEDS	The gross receipts from the conduct of raffles, less sums expended for prizes, local license fees, and other reasonable operating expenses incurred as a result of operating a raffle.
NONPROFIT	Organized, operated, and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.
PERSON	An individual, firm, organization, public or private corporation, government, partnership, or unincorporated association.
PRIZE	The goods, services, money or other items of value or consideration awarded or represented to be awarded to the winning chance or chances.
RAFFLE	A form of lottery, as defined in Section 28-2(b) of the "Criminal Code of 2012," conducted by an organization licensed under this Title in which: <ol style="list-style-type: none"> <li>1. The player pays or agrees to pay something of value for a chance represented and differentiated by a number or by a combination of numbers or by some other means, one or more of which chances is to be designated the winning chance; and</li> <li>2. The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.</li> </ol>
RELIGIOUS ORGANIZATION	Any church, congregation, society, or organization founded for the purpose of religious worship.

VETERAN'S  
ORGANIZATION

An organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

3-3-4: **LICENSE REQUIREMENTS:** It shall be unlawful to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a chance on a raffle unless said raffle has been licensed.

3-3-5: **AREA LIMITATION ON SALE OF CHANCES:** No license issued pursuant to this chapter authorizes any person or organization to conduct or operate a raffle or to sell, offer for sale, convey, issue, or otherwise transfer for value a raffle chance outside the corporate limits of the Village, and no persons or organizations shall conduct or operate a raffle licensed pursuant to this chapter outside the corporate limits of the Village.

3-3-6: **APPLICATION:** Any person seeking to conduct or operate a raffle shall file an application therefor with the Village Clerk or his designee on forms provided by the Village Clerk. Said application shall contain the following information:

- (A) The name, address, and type of organization;
- (B) The length of existence of the organization and, if incorporated, the date and state of incorporation;
- (C) The name, address, telephone number, social security number, and date of birth of the organization's presiding officer, secretary, raffles manager, and any other members responsible for the conduct and operation of the raffle;
- (D) The aggregate retail value of all prizes to be awarded in the raffle;
- (E) The maximum retail value of each prize to be awarded in the raffle;
- (F) The maximum price charged for each raffle chance issued or sold;
- (G) The time period during which the raffle chances will be issued or sold shall not exceed more than one hundred eighty (180) days after issuance of the license;
- (H) The time and location at which winning chances will be determined;
- (I) A sworn statement attesting to the not-for-profit character of applicant organization, signed by its presiding officer and secretary;
- (J) A certificate signed by the presiding officer of the applicant organization attesting to the fact that the information contained in application is true and correct;
- (K) Copies of the applicant organization's founding documents, and if incorporated, the articles of incorporation and by-laws.

3-3-7: **LICENSE QUALIFICATIONS:** Raffle licenses shall be issued only to bona fide business, charitable, educational, fraternal, labor, religious, and veteran's organizations that operate without profit to their members and which have been in existence continuously for a period of five (5) years or more immediately before making application for a license and which have had during that entire five (5) year period a bona fide membership engaged in carrying out their objects, or to a non-profit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.

- 3-3-8: **FEES:** There is no fee to issue a license.
- 3-3-9: **PERSON OR ORGANIZATIONS INELIGIBLE:** The following are ineligible for any raffle license:
- (A) Any person who has been convicted of a felony;
  - (B) Any person who is or has been a professional gambler or gambling promoter;
  - (C) Any person who is not of good moral character;
  - (D) Any organization in which a person defined in (A) through (C) that has a proprietary, equitable, or credit interest, or in which such person is active or employed;
  - (E) Any organization in which a person defined in (A) through (C) that is an officer, director, or employee, whether compensated or not; and
  - (F) Any organization in which a person defined in (A) through (C) above is to participate in the management or operation of a raffle as defined in this title.
- 3-3-10: **LICENSE ISSUANCE:** The Village Clerk or his designee shall review all raffle license applications and approve or deny, it within thirty (30) days from the date of application. If an application is accepted, a raffle license will be issued by the Village Clerk. If an application is rejected by the Village Clerk or his designee, that is final and there is no appeal process.

An organization may be issued a single license for multiple raffles within a time period not to exceed one (1) year. The organization may have one raffle manager or may designate different raffle managers for each raffle.

- 3-3-11: **CONDUCT OF RAFFLES:** The operation and conduct of raffles are subject to the following restrictions:
- (A) The entire net proceeds of any raffle must be exclusively devoted to the lawful purpose of the licensee;
  - (B) No person except a bona fide member of the licensee may participate in the management or operation of the raffle;
  - (C) No person may receive remuneration or profit for participating in the management or operation of the raffle;
  - (D) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this chapter;
  - (E) Raffle chances may be sold, offered for sale, conveyed, issued or otherwise transferred for value only within the Village; the winning chances may be determined only at the location specified on the license;
  - (F) A person under the age of eighteen (18) years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of eighteen (18) years may be within the area where winning chances are being determined only when accompanied by his parent or guardian.

3-3-12: **RAFFLES MANAGER:** The operation and conduct of a raffle shall be under the supervision of a single raffle manager designated by the licensee. The manager shall give a fidelity bond equal in the amount to the aggregate retail value of all prizes to be awarded in favor of the licensee conditioned upon his honesty in the performance of his duties. The terms of the bond shall provide that notice shall be given in writing to the Village of Morton not less than thirty (30) days prior to its cancellation. The Board of Trustees may waive this bond requirement by including a waiver provision in the license issued to an organization under this chapter, provided that a license containing such waiver provision shall be granted only by unanimous vote of the members of the licensed organization.

3-3-13: **RECORDS:**

(A) Each licensee shall keep records of its gross receipts, expenses, and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount, and date of payment.

(B) Gross receipts from the operation of raffles shall be segregated from other revenues of the licensee including bingo gross receipts, if bingo games are also conducted by the same non-profit organization pursuant to license therefor issued by the Department of Revenue of the State of Illinois, and placed in a separate account. Each licensee shall keep separate records of its raffles. The person who accounts for gross receipts, expenses, and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the licensee.

(C) Each licensee shall report to the Village its gross receipts, expenses and net proceeds from the raffle, and the distribution of net proceeds itemized as required herein. Each report shall be made within thirty (30) days of the date of the raffle.

(D) Raffle records shall be preserved for three (3) years, and organizations shall make available their records relating to the operation of raffles for public inspection at reasonable times and places.

3-3-14: **SALE LIMITATIONS:** Chances may not be sold, offered for sale, conveyed, issued, or otherwise transferred for value after the time designated in the application.

3-3-15: **PRIZE LIMITATIONS:** The aggregate retail value of all prizes awarded in a single raffle shall not exceed forty thousand dollars (\$40,000).

3-3-16: **CHANCE LIMITATION:** The price which may be charged for each raffle chance sold, offered for sale, conveyed, issued, or otherwise transferred for value shall not exceed one hundred dollars (\$100.00).

3-3-17: **AWARDING OF PRIZE:** Upon the sale, conveyance, issuance or other transfer for value of any chance, the licensee shall award the prize or prizes designated as such in the application.

3-3-18: **SEVERABILITY:** If any provision of this chapter or the application thereof is held to be unconstitutional or otherwise invalid by a court of competent jurisdiction then this chapter becomes void.

3-3-19: **LICENSE SUSPENSION OR REVOCATION:** The Chief of Police may suspend or revoke any license issued hereunder if he has reason to believe the licensee has failed to comply with any material requirement of this chapter. Nothing herein shall prevent the Village from seeking penalties from the licensee in addition to suspension or revocation of a license.

3-3-20: **PENALTY:** Failure to comply with any of the requirements of this chapter shall constitute a violation; and any person, upon conviction thereof, shall be fined no less than fifty dollars (\$50.00) but no more than seven hundred dollars (\$750.00) for each offense. Each day the violation continues shall be considered a separate offense.

(Ord. 13-27, 2-3-14)



## CHAPTER 8

## LIQUOR

## SECTION:

- 3-8-1: Definitions
- 3-8-2: License Required
- 3-8-3: Types Of Licenses
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- 3-8-8: Application, Persons Ineligible
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3-8-1: **DEFINITIONS:** Unless the context otherwise provides, words and phrases used in this Chapter shall be construed according to the definitions set forth herein.

**ALCOHOL:** The product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

**ALCOHOLIC LIQUOR:** Includes alcohol, spirits, wine, beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed as a beverage by a human being. The provisions of this Code shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder nor to any liquid or solid containing one-half of one percent (0.5%) or less of alcohol by volume.

- BEER:** A beverage obtained by the alcoholic fermentation of an infusion or concoction of barley or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter, and the like.
- CLUB:** A corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by its members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members and their guests, and provided with suitable and adequate kitchen and dining room space and equipment, and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests; provided, that such club files with the Liquor Control Commissioner at the time of its application for a license under this Code two (2) copies of a list of names and residences of its members, and similarly files within ten (10) days of the election of any additional member his name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club. This definition is intended to include all clubs whether they are deemed private or public.
- LICENSED PREMISES:** The premises described in the application for the license or in the license as the place where the business to be covered or is covered by the license is to be or is carried on.
- LIQUOR CONTROL COMMISSION:** The Liquor Control Commission shall consist of the President of the Board of Trustees of the Village of Morton. He shall have the power to administer all of the provisions of this Chapter, and he shall also have such other powers as provided for in the Liquor Control Act of 1934 as now in effect or as may from time to time be amended.
- ORIGINAL PACKAGE:** Any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container whatsoever used, corked or capped, sealed, and labeled by the manufacturer of alcoholic liquor to contain and to convey any alcoholic liquor.
- PERSON:** Any person, firm, partnership, club, association, or corporation.
- PREMISES:** The area within a building for which a license to sell alcoholic liquor is issued and which is actually used in connection with the storage, preparation, and sale of alcoholic liquor, but specifically excluding any outside areas such as patios, open porches, roof tops, balconies, stoops, sidewalks, yards, driveways, parking lots, and similar outside areas.
- PUBLIC PLACE:** Any place to which the general public has a right to resort; not necessarily a place devoted solely to the uses of the public, but a place which is in point of fact public rather than private, a place visited by many persons and usually accessible to the neighboring public.

- RESTAURANT:** Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served and where meals are actually and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests (and where the sale or consumption of alcoholic liquors is only incidental to the serving of meals).
- RETAILER:** A person who sells or offers for sale alcoholic liquor for use or consumption and not for resale in any form.
- SALE:** Any transfer, exchange, or barter in any manner or by any means whatsoever, including the transfer of alcoholic liquors by and through the transfer or negotiation of warehouse receipts or certificates, and includes and means all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person.
- SELL AT RETAIL:** Any "sale at retail" refers to and means sales for use or consumption and not for resale in any form.
- SPIRITS:** Any beverage which contains alcohol obtained by distillation mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spirituous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances.
- TAVERN:** Any person, including restaurants, hotels, and motels, who sells or offers for sale at retail any alcoholic liquor for use or consumption upon the premises and not for resale in any form; provided, however, that this definition shall not be construed to apply to any duly licensed, practicing physician or dentist in the strict practice of his profession, or any hospital or other institution caring for sick or diseased persons in the bona fide treatment of such patients, or any drug store employing a licensed pharmacist in the concoction of prescriptions of duly licensed physicians, or the authorized representative of any church for the purposes of conducting any bona fide right or religious ceremony conducted by such church.
- TO SELL:** Includes to keep or expose for sale and to keep with intent to sell.
- WINE:** Any alcoholic beverage obtained by the fermentation of the natural contents of fruits or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits as defined herein.

3-8-2: **LICENSE REQUIRED:** No person, either by himself or his agent, or any person acting as an agent, barkeeper, clerk, or servant of another shall sell or offer for sale at retail within the limits of the Village any alcoholic liquor without first having obtained a license to do so as provided in this Chapter. No such person shall sell or offer for sale any alcoholic liquors in violation of the terms and provisions of this Chapter. It shall be unlawful for any such person to allow any customer, guest, or patron to bring any alcoholic liquor into such establishment for consumption on the premises or to serve any alcoholic liquor purchased off the premises by a customer, patron, guest, or other person, unless that establishment has a Class G license; provided, however, that this prohibition shall not apply in those instances where an establishment rents out its facilities to a third party and said third party brings any alcoholic liquor into such establishment for consumption on the premises by said third party and its guests. (amd. Ord. 08-37, 3-16-09)

3-8-3: **TYPES OF LICENSES:**

(A) Classification: There shall be the following classes of licenses to sell alcoholic liquor at retail, subject to the fees indicated: (Ord. 08-37, 3-16-09)

1. Class A-1: Class A-1 licenses shall authorize the sale at retail of beer and wine only for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00).

The licensee shall maintain such business only on a ground floor location with a minimum of one thousand four hundred (1,400) square feet of floor space and a minimum of twenty feet (20') of frontage and have no customer or public entrances or exits from or to any other building whatsoever and may sell only items incidental to the packaged liquor business, such as nonalcoholic beverages, cigarettes and tobacco products, glasses and bar supplies, as well as food stuffs, provided that the display of such food stuffs shall not take up more than five percent (5%) of the square footage of floor space.

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of beer or wine in the licensed premises. (amd. Ord. 14-06, 6-2-14)

2. Class A-2: Class A-2 licenses shall authorize the sale at retail of beer and wine only for consumption on the premises only. The annual fee for such licenses shall be one hundred twenty dollars (\$120.00).
3. Class A-3: Class A-3 licenses shall authorize the sale at retail of beer and wine only for consumption off or on the premises. The annual fee for such licenses shall be three hundred sixty dollars (\$360.00).
4. Class A-4: Class A-4 licenses shall authorize the sale at retail of wine only for consumption off the premises only. The annual fee for such licenses shall be three hundred dollars (\$300.00).

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of wine in the licensed premises.

5. Class B-1: Class B-1 licenses shall authorize the sale at retail of alcoholic liquors for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00).

The licensee shall maintain such business only on a ground floor location with a minimum of one thousand four hundred (1,400) square feet of floor space and a minimum of twenty feet (20') of frontage and have no customer or public entrances or exits from or to any other building whatsoever and may sell only items incidental to the packaged liquor business, such as nonalcoholic beverages, cigarettes and tobacco products, glasses and bar supplies, as well as food stuffs, provided that the display of such food stuffs shall not take up more than five percent (5%) of the square footage of floor space.

Additionally, this license shall authorize the licensee to conduct unlimited product tasting of beer or wine in the licensed premises. (amd. Ord. 14-06, 6-2-14)

6. Class B-2: Class B-2 licenses shall authorize the sale at retail of alcoholic liquors for consumption on the premises only. The annual fee for such licenses shall be two hundred forty dollars (\$240.00).
7. Class B-3: Class B-3 licenses shall authorize the sale at retail of alcoholic liquors for consumption off or on the premises. The annual fee for such licenses shall be six hundred dollars (\$600.00).

8. Class C: Class C licenses shall authorize the sale at retail of alcoholic liquors at a club for consumption on the premises only. The annual fee for such licenses shall be twelve dollars (\$12.00).

The holder of a Class C license may serve such alcoholic liquors only to persons as are members of the licensee and their guests. It shall be unlawful for any holder of such a license to dispense alcoholic liquors to the general public under such license. Any violation thereof shall automatically cancel such license and constitute the licensee a public tavern subject to the payment of a Class B-2 license fee and subject to the penalties for violation and failure to pay such fee. Notwithstanding anything else to the contrary herein, a Class C license is limited to a usage for fifty two (52) days during a period beginning May 1 and ending April 30 for which the license was issued. Any use in excess of said fifty two (52) days shall be deemed a violation of this Title 3, Chapter 8 and shall subject the license holder to the penalties for violation of same.

9. Class D: Class D licenses shall authorize the sale at retail of beer and wine only in a grocery store for consumption off the premises only. The annual fee for such licenses shall be one thousand four hundred forty dollars (\$1,440.00). (amd. Ord. 14-06, 6-2-14)

For purposes of this section, a grocery store is defined as a store with a minimum of five thousand (5,000) square feet of floor space that is engaged in the sale at retail of baked goods, canned and frozen food, dairy products, dry goods, fresh and prepared meats, fresh fruits and vegetables, health and beauty aids, snack goods, and soft drinks and other non-alcoholic beverages. A grocery store does not include a store that has less than two hundred fifty thousand dollars (\$250,000.00) in annual gross sales of food, excluding the following:

- a. Alcoholic beverages.
- b. Candy, chewing gum, and confectionaries.
- c. Cocktail mixers.
- d. Food or beverages sold through a vending machine.
- e. Medicines, tonics, vitamins, and other dietary supplements.
- f. Pet food.
- g. Sodas, soft drinks, and other similar beverages.
- h. Tobacco products.

All Class D licenses issued shall be subject to the following:

(a) Security

- (1) Security cameras shall at all times be in operation and the licensee shall keep a copy of the video for one week. In the event the Village of Morton wants a copy of the video, licensee shall provide same to the Village. The licensee may dispose of any video after one week. Security cameras shall be placed so as to provide coverage of all points of sale and aisles where beer and wine are displayed.
- (2) During hours when beer and wine sales are not allowed, the following shall apply:
  - a. An aisle that has beer and wine on both sides shall be blocked with a heavy gauge, locked fence or gate.
  - b. An aisle that has beer and wine on only one side shall be blocked with a heavy gauge, locked fence, gate, or pull down or across cover.
- (3) Excess beer and wine inventory not displayed for sale shall be secured in a locked cage or room in the store's warehouse or storage area. No one under 21 years of age shall have access to the warehouse or storage area, or be involved in the handling, stocking, or inventorying of beer or wine products.

- (4) Check-out lanes for beer and wine shall be designated with appropriate signage. No employee under the age of 21 may scan any alcohol item for purchase during check-out. A cashier or supervisor over 21 years of age must scan every alcohol item for purchase during customer check-out.
  - (5) There shall be no self check-out.
  - (6) The restricted sale times must be “flagged” in the Point of Sale system so as not to allow sales during restricted hours.
- (b) Employee Training
- (1) Licensee shall conduct a corporate training program related to alcohol sales that includes one-on-one instruction, ongoing supervision, and refresher training that is equivalent to or better than the Beverage Alcohol Sellers and Servers Education and Training (BASSET) program of the Illinois Liquor Commission.
  - (2) Certification of the program and completion of it by each employee who will act as a cashier for any liquor sales shall be provided at the time of the issuance of the license or any renewal. If different employees other than those originally listed are to act as cashier for any liquor sales, then a certification must be provided when an employee is added and before the employee acts as a cashier.
- (c) Display
- (1) Beer and wine may be displayed in only one aisle of the store and that specific aisle must be designated in writing to the Liquor Control Commissioner and approved in writing by the Liquor Control Commissioner. Any change to a different aisle must go through the reapplication process. Beer and wine shall be displayed only within the aisle approved by the Liquor Control Commission, and any change of display must be approved by the Liquor Control Commissioner.
  - (2) Beer and wine shall not be displayed on the ends of the designated aisle.
  - (3) Access to aisles shall only be permitted on the end.
- (d) Promotions
- (1) Cross sales promotions using actual beer or wine products may only occur in the aisle where beer and wine are permitted to be displayed.
  - (2) Beer and wine advertisements and promotions shall only be displayed in the aisle where beer and wine are permitted to be displayed.
- (e) Beer And Wine Product Tasting
- Beer and wine product tasting shall only be conducted in a segregated area of the store to be approved by the Liquor Commissioner. No persons under the age of 21 may participate in beer or wine product tasting. No persons under the age of 21 can be in the designated area where beer or wine product tasting is taking place, unless that person is accompanied by a parent or legal guardian. No persons under the age of 21 may participate in the product tasting in any way. The store shall be responsible for checking the age of every person participating in the the beer or wine product tasting.

(f) Additional Restrictions And Requirements

Additional restrictions and requirements as the Village may from time to time adopt shall apply to the license upon thirty (30) days notice by the local Liquor Control Commissioner. If the license holder elects not to comply with the revised or additional restrictions or requirements, the license shall be terminated no later than the 30th day after notice has been given and the pro rata share of any license fee shall be refunded. (amd. Ord. 08-10, 8-18-08; amd. Ord. 08-22, 12-1-08)

10. Class E: Class E licenses shall be a supplementary license authorizing the sale at retail of alcoholic liquors in an outdoor eating, drinking or seating area (i.e., beer garden, open air cafe, patio, etc.) located adjacent to and operated by and in conjunction with an otherwise licensed premise subject to the following:
- (a) Only those licensees holding a Class A-2, Class A-3, Class B-2, Class B-3, or Class G liquor license shall be eligible to apply for, receive, and hold a Class E license, which allows for the sale and consumption of alcoholic liquor off premises. Only those alcoholic liquors lawfully licensed to be sold and consumed in the adjacent licensed premises may be sold and/or consumed in the outdoor eating, drinking, or seating area. All other provisions of the Morton Municipal Code pertaining to the respective liquor license class shall apply to the Class E licensed area unless otherwise provided herein.
  - (b) The outdoor eating, drinking, or seating area must comply with the following:
    - (1) Be immediately adjacent and contiguous to the licensed premises, be viewable from the street or parking lot, and be accessible from the exterior.
    - (2) Be no greater in area than the gross floor area of the licensed premises.
    - (3) Have the ability to be illuminated in case of emergency.
    - (4) For restaurants, be contained by fencing or other suitable material at least four feet (4') in height, measured from the finished floor elevation of the outside eating, drinking, or seating area, which defines the seating area and sets that area apart from the surrounding property and provides for limited and controlled access to the outside eating, drinking and seating area.
    - (5) For establishments other than restaurants, be accessible to customers and patrons from the interior of the licensed premises only and be entirely and completely contained by fencing or other suitable material at least six feet (6') in height, measured from the finished floor elevation of the outside eating, drinking, or seating area, which effectively prevents the passing of alcohol to the outside and defines the seating area and sets that area apart from the surrounding property.
    - (6) The hours of operation of the outside eating, drinking, and seating area shall not extend past 1:00 A.M. or the closing time required for the licensed premises pursuant to Section 3-8-4, whichever is earlier.
  - (c) At least one fully operable, emergency only exit shall be provided from the outdoor eating, drinking, or seating area directly to the outside for establishments other than restaurants and for any restaurant where the only other means of egress is through the interior of the licensed premises. Said emergency only exit shall be in addition to the access provided directly from the licensed premises, may be used to provide a means of egress/ingress for persons whose physical limitations or handicaps preclude their entrance or exit from the interior of the licensed premises, and may be used for the purpose of taking delivery of products, materials, and supplies.

- (d) The total square footage of the outdoor eating, drinking, or seating area shall be included in the total parking calculations and requirements for the site.
- (e) No amplified sound or music nor any live entertainment shall be permitted in the outdoor eating, drinking, or seating area after 10:00 P.M. and shall at all times be subject to all noise limitations of the Village.
- (f) Each and every owner, operator, and/or manager licensed to sell alcoholic liquors in an outdoor eating, drinking, or seating area shall provide regular, diligent, and effective management and employee oversight and control of such outdoor eating, drinking, or seating area to assure compliance with the provisions of this Chapter and the Morton Municipal Code.

The annual fee for such licenses shall be one hundred twenty dollars (\$120.00), which shall be in addition to any other fees required by license holders pursuant to this Chapter.

Notwithstanding any other provision of this Chapter, it shall be unlawful for any liquor licensee to serve or allow to be consumed alcoholic liquor at an outdoor eating, drinking, and seating area without first obtaining a license as provided herein.

For purposes of this Class E license only, the term "Off Premises" shall mean an area outside and adjacent to a building for which a liquor license to sell and/or consume alcoholic liquor, as the case may be, is issued and on which it shall be lawful to sell and/or consume alcoholic liquors, as the case may be, if the licenseholder also holds a Class E license.

11. Class F: A Class F license may be issued by the Local Liquor Control Commissioner and may be issued only for the sale at retail of alcoholic liquors in an outdoor beer garden, parking lot, yard, or similar outside area. Such area shall be adjacent to a licensed premises. A person seeking to obtain such license must be the holder of a current liquor license which permits the selling and consumption of alcoholic liquor in the adjacent premises.

Any Class F licenses issued shall be further subject to the following:

- (a) Each such license issued shall set forth the number of days for which it is granted, except that it may not exceed seven (7) days.
- (b) Each such license issued shall set forth the permitted location and the permitted hours of operation, which in no event shall exceed the allowable hours of operation for the particular license held by the applicant. The location shall be on the premises where a license is issued or immediately adjacent thereto.
- (c) Upon the approval of the issuance of such license, the applicant shall pay the sum of fifty dollars (\$50.00) plus twenty-five dollars (\$25.00) for each day of usage requested. Said fee is nonrefundable.
- (d) No person may obtain a Class F license more than once in any sixty (60) day period.
- (e) Upon the approval of the issuance of such license, the Chief of Police, or his designee, shall inspect and approve the outside area designated in the application for the Class F license before the license is provided to the applicant.



12. Class G: Class G licenses shall authorize a patron to bring his or her own beer or wine onto the premises for consumption on the premises. The annual fee for such licenses shall be sixty dollars (\$60.00).

The license shall be subject to all of the regulations of this Chapter, including but not limited to, underage consumption requirements.

13. Class H: A Class H liquor license may be issued by the local liquor control commissioner subject to the following:

- (a) It may be used for beer and wine sales only;
- (b) Each such license shall set forth the number of days for which it is granted, except that it may not exceed seven (7) days.
- (c) Each such license issued shall set forth the permitted location and the permitted hours of operation, which in no event shall be later than 10:00 P.M. if the event is outdoors or 12:00 midnight. if indoors.
- (d) Upon the approval of the issuance of such license, the applicant shall pay the sum of fifty dollars (\$50.00) plus twenty-five dollars (\$25.00) for each day of usage requested. Said fee is nonrefundable.
- (e) No person may obtain a Class H license more than twice in any fiscal year (May 1 to April 30).
- (f) As part of the approval process, if the event is to be held outdoors, the Chief of Police, or his designee, shall inspect and approve the area designated in the application for the class H license before the license is provided to the applicant.
- (g) A license that can be issued for indoor or outdoor activities.
- (h) Licenses may only be issued to civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least nine months prior to the making of such application and which in good faith have maintained a membership role during such nine month period, or any such organizations which have been incorporated under state law.
- (i) If the applicant does not own the property upon which the event will take place, the written permission of the owner is required.
- (j) In residential districts only where the sponsor is a qualified organization and the event occurs wholly indoors at a residence or outdoors but no later than 10:00 P.M. (Ord. 11-02, 5-2-11)

14. Class I: A Class I liquor license may be issued by the local liquor control commissioner subject to the following:

- (a) Class I Licenses allow outdoor drinking or seating, and may be issued only to a holder of a Class A-3 License and allows area subject to the following:
  - (1) Be immediately adjacent and contiguous to the licensed premises, be from the street or parking lot, and be accessible from the interior of the premises.
  - (2) Be no greater in area than the gross floor area of the licensed premises.
  - (3) Have the ability to be illuminated in case of emergency.

(4) The hours of operation of the outside drinking shall not extend past 1:00 A.M. or the closing time required for the licensed premises pursuant to Section 3-8-4, whichever is earlier.

- (b) The drinking or seating area may be located on a sidewalk provided it does not substantially impede pedestrian use. The license holder shall sign an agreement indemnifying and holding the Village harmless from any liability, claims, or damages that might be asserted by any party as a result of the location of the drinking or seating in the right-of-way. The license holder shall provide the Village a certificate of insurance with minimum coverage of one million dollars (\$1,000,000.00) per occurrence and which names the Village as an additional insured.
- (c) The total square footage of the outdoor drinking or seating area shall be included in the total parking calculations and requirements for the site.
- (d) No amplified sound or music nor any live entertainment shall be permitted in the outdoor drinking or seating area after 10:00 P.M. and shall at all times be subject to all noise limitations of the Village.
- (e) Each and every owner, operator, and/or manager licensed to sell alcoholic liquors in an outdoor drinking or seating area shall provide regular, diligent, and effective management and employee oversight and control of such outdoor drinking to assure compliance with the provisions of this Chapter and the Morton Municipal Code.
- (f) The annual fee for such licenses shall be one hundred twenty dollars (\$120.00), which shall be in addition to any other fees required by license holders pursuant to this Chapter.
- (g) Notwithstanding any other provision of this Chapter, it shall be unlawful for any liquor licensee to serve or allow to be consumed alcoholic liquor at an outdoor drinking or seating area without first obtaining a license as provided herein. (Ord. 14-15, 7-21-14)

(B) Other Permitted Uses:

1. A license holder shall be permitted to sell lottery tickets, provided he is duly licensed by the State of Illinois for same, and further provided that he complies at all times with the Illinois Lottery Law.
2. Class A-1, Class A-4, Class B-1, and Class D licenses permit the licensee to conduct product tasting of beer and/or wine, as the case may be, in the licensed premises, without limit to the number of such product tastings that may be conducted.  
(amd. Ord. 08-37, 3-16-09)

3-8-4: **HOURS OF SALE:**

(A) A person who has been granted a license pursuant to this Chapter shall not permit to be consumed or sold, as same may apply to the particular license granted, any alcoholic liquors, beer or wine except as follows:

Class A-1 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.

Class A-2 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.

- Class A-3 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class A-4 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.
- Class B-1 holder: On Monday through Saturday, except Christmas Day, 9:00 A.M. to 11:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 11:00 P.M.
- Class B-2 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class B-3 holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class C holder: On Monday through Thursday from 5:00 A.M. to 11:00 P.M.; on Friday from 5:00 A.M. to 12:00 midnight; on Saturday from 12:00 midnight to 1:00 A.M. and from 5:00 A.M. to midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 9:00 P.M.
- Class D holder: On Monday through Saturday, except Christmas Day, from 10:00 A.M. to 10:00 P.M.; on Sunday and Christmas Day from 12:00 noon to 10:00 P.M.
- Class E holder: As allowed by the granting of same.
- Class F holder: As allowed by the granting of same.
- Class G holder: On Monday through Saturday from 12:00 midnight to 1:00 A.M. and from 10:00 A.M. to 12:00 midnight; on Sunday from 12:00 midnight to 1:00 A.M. and from 12:00 noon to 12:00 midnight.
- Class H holder: Allowed by the granting of same. (amd. Ord. 11-02, 5-2-11)

- (B) On January 1 of each year, holders of Class A-2, Class A-3, Class B-2, Class B-3, and Class C liquor licenses may extend their hours of sale to 2:00 A.M. This extension is allowed provided that no additional patrons may be admitted after regular closing hours, and there shall be no advertising or invitation to the public that the premises are open after the regular closing hours; and, in the event of any disturbance of the peace within the licensed premises, the premises shall close on order of the police at any time after regular closing hours; and the extension of the New Year's Eve closing hour shall not further apply; and all patrons shall, on such order of the police, immediately leave the licensed premises.
- (C) It shall be unlawful to keep open for business, to advertise it is open for business, or to admit the public to any licensed premises during the hours which it is prohibited from selling or dispensing alcoholic beverages or within thirty (30) minutes after the closing hour to permit any consumption or open containers of alcoholic beverages that could be used for consumption. No person other than the licensee or employees engaged in the performance of their duties shall be permitted to remain on said premises more than thirty (30) minutes after closing hours and until the premises may be legally reopened; provided, that in case of restaurants, such establishments may be kept open during such hours but no alcoholic liquor may be sold after the closing hour, nor shall any open container of alcoholic beverage be available to the public or any patron within thirty (30) minutes after the closing hour. (amd. Ord. 08-37, 3-16-09)

**3-8-5: APPLICATION PROCEDURE; PAYMENTS; RENEWALS; TRANSFERS; LOCATION; CHANGE OF OWNERSHIP:**

- (A) Applications: Applications shall be directed to and filed with the Local Liquor Control Commissioner, or his designee, and shall be accompanied by the deposit of a certified or cashier's check of a Morton Bank, postal money order, or cash in the full amount of the annual license applied for. If any application is denied, the deposit shall be returned to the applicant. (Ord. 04-53, 3-7-05)
- (B) Payments: License fees shall be payable in full prior to May 1 of the year of issuance. All licenses shall expire on April 30 next after the date of issue. The fee to be paid shall be reduced in proportion to the full calendar months which have expired in the year prior to the issuance of the license. Payment shall be made to the Local Liquor Control Commissioner, or his designee. (amd. Ord. 00-54, 4-2-01; amd. Ord. 04-53, 3-7-05)
- (C) Renewals: Any licensee may renew his license prior to the expiration thereof; provided, that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for the purpose; and provided further, that the renewal privilege herein contained shall not be construed as a vested right which shall, in any case, prevent the Board of Trustees from decreasing the number of licenses to be issued within the Village.
- Any person who shall fail to make application for renewal and pay the fee as herein provided shall be deemed to have forfeited and abandoned such license, and no renewal thereof shall thereafter be permitted. Any such license so forfeited or abandoned shall not be reissued, and any such person seeking thereafter to procure a license shall be considered as a new applicant and shall be subject to all limitations as to the number of licenses to be issued as heretofore provided.
- (D) Transfer Of License: A license shall be purely a privilege good for and not to exceed one year after issuance, unless sooner revoked as by law provided, and shall not constitute property; nor shall it be subject to attachment, garnishment, or execution; nor shall it be alienable or transferable voluntarily or involuntarily. Such license shall not descend by the law of testate or intestate devolution; but it shall cease upon the death of the licensee; provided, that executors or administrators of the estate of any deceased licensee and trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquors, may continue the business of the sale of alcoholic liquor under order of the appropriate court and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent or such insolvency or bankruptcy until the expiration of such license, but not longer than six (6) months after the death, insolvency, or bankruptcy of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under such license in accordance with the provisions of this Subsection. If a transfer is requested, an appropriate application shall be submitted together with payment of an investigation fee of fifty dollars (\$50.00). (amd. Ord. 12-24, 2-4-13)
- (E) Change Of Location: A retail dealer's license shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only upon a written permit to make such changes issued by the Local Liquor Control Commissioner. No change of location shall be permitted unless the proposed new location is a proper one for the retail sale of alcoholic liquor under the laws of this State and the applicable provisions of this Code. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)
- (F) Change of Ownership: If the ownership of a license changes at any time, licensee shall notify the Liquor Commissioner in writing of same and provide the name and address of the new owner(s) and such other information as the Liquor Commissioner may require. The licensee shall also pay the sum of fifty dollars (\$50.00) as an investigation fee in order that the Liquor Commission can determine the eligibility of any new owner. (Ord. 12-24, 2-4-13)

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

Class A-1	Zero (0)
Class A-2	Four (4)
Class A-3	Zero (0)
Class A-4	Zero (0)
Class B-1	Three (3)
Class B-2	Eleven (11)
Class B-3	Four (4)
Class C	One (1)
Class D	Two (2)
Class E	Eight (8)
Class F	No specific limit
Class G	Zero (0)
Class H	No specific limit
Class I	Zero (0)

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

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 Act<sup>1</sup> to transact business in the State of Illinois.
- (E) The name and address of the landlord if the premises are leased.

<sup>1</sup> 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.

If said application is made on behalf of a partnership, firm, association, club, or corporation, then the same shall be signed and sworn or affirmed to by at least two (2) members of such partnership or the resident and secretary of such corporation or club. The applicant shall submit with the application documentary proof of his interest in the premises, whether by lease, deed, or otherwise.

- 3-8-8: **APPLICATION, PERSONS INELIGIBLE:** No license authorized by this Chapter shall be issued to:
- (A) A person who is not a resident of any city, village, or county in which the premises covered by the license are located, except in case of railroad or boat license.
  - (B) A person who is not of good character and reputation in the community in which he resides.
  - (C) A person who is not a citizen of the United States.
  - (D) A person who has been convicted of a felony under any Federal or State law, if the Liquor Control Commission determines after investigation that such person has not been sufficiently rehabilitated to warrant the public trust.
  - (E) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.
  - (F) A person who has been convicted of being the keeper or is keeping a house of ill fame.
  - (G) A person whose license issued under this Chapter or the laws of the State of Illinois has been revoked for cause.
  - (H) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon first application.
  - (I) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license.
  - (J) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.
  - (K) A corporation, unless it is incorporated in Illinois or unless it is a foreign corporation which is qualified under the Illinois Business Corporation Act to transact business in Illinois.
  - (L) A person whose place of business is conducted by a manager, unless the manager or agent possesses the same qualifications required by the licensee.
  - (M) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession, or sale of alcoholic liquor subsequent to the passage of this Chapter or has forfeited his bond to appear in court to answer charges for any such violation.
  - (N) A person who does not beneficially own the premises for which the license is sought or does not have a lease thereon for the full period for which the license is to be issued.

- (O) Any law-enforcing public official, including members of the local Liquor Control Commission, any mayor, alderman, or member of the City Council or Commission, any president of the Village Board of Trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale, or distribution of alcoholic liquor, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission.
- (P) A person who is not a beneficial owner of the business to be operated by the licensee.
- (Q) A person who has been convicted of a gambling offense as proscribed by any of subsections (a)(3) through (a)(10) of Section 28-1 or as proscribed by Section 28-3 of the "Criminal Code of 1961" approved July 28, 1961, as heretofore or hereafter amended, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.<sup>1</sup>
- (R) A person to whom a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period.
- (S) A co-partnership to which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period, or if any of the partners have been issued a Federal Gaming Device Stamp or Federal Wagering Stamp by the Federal government for the current tax period.
- (T) A corporation, if any officer, manager, or director thereof, or any stockholder owning in the aggregate more than twenty percent (20%) of the stock of such corporation has been issued a Federal Gaming Device Stamp or a Federal Wagering Stamp for the current tax period.
- (U) Any premises for which a Federal Gaming Device Stamp or a Federal Wagering Stamp has been issued by the Federal government for the current tax period. (Ord. 86-1, 5-5-86)

3-8-9: **APPLICATION, DECISION:** Within thirty (30) days after the submission of an application to the local Liquor Control Commission, the Liquor Control Commission shall either approve or deny said application; except that, if no action has been taken within said thirty (30) day period, said application shall be deemed to have been denied and no license shall issue. (Ord. 86-1, 5-5-86)

3-8-10: **BARTENDER PERMITS:** (Rep. by Ord. 94-3, 5-2-94)

3-8-11: **LICENSE REVOCATION; SUSPENSION OR FINE:** Any violation of any provisions of this Chapter or of the Liquor Control Act of 1934<sup>2</sup>, any mis-statements or withholding of material information in an application for license, or any indebtedness to the Village shall be deemed cause for refusal of a license, revocation, or suspension of a license, or the levying of a fine against the license holder.

Any license granted as provided by this Chapter may be revoked or suspended for cause by the local Liquor Control Commission upon a finding of the local Liquor Control Commission that any provision of this Chapter has been violated; or, in the alternative, the local Liquor Control Commission may impose a fine.

All fines imposed shall be subject to the provisions of 235 Illinois Compiled Statutes 5/7-5 or as may from time to time be amended.

For purposes of this Section, a license holder shall be responsible for and accountable for any actions by his employees, agents, or anyone acting on his behalf with respect to any activities on the licensed premises.

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<sup>1</sup> S.H.A. 720 ILCS.

<sup>2</sup> S.H.A. 235 ILCS.



3-8-12: **LICENSE, APPEALS:** No such license shall be revoked or suspended, nor may a fine be imposed unless the local Liquor Control Commission shall hold a public hearing upon at least three (3) days' written notice to the licensee, at which time said licensee may appear and defend. If the local Liquor Control Commission has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the Village, it may, without notice of hearing, order the licensed premises closed for not more than seven (7) days upon the issuance of a written order stating the reason for such conclusion. The local Liquor Control Commission shall give the licensee an opportunity to be heard during said seven (7) day period.

Within five (5) days of any hearing held pursuant to this Section, the local Liquor Control Commission shall, if it determines that the license shall be suspended or revoked or that a fine be levied, state the reasons for such determination in a written order of revocation or suspension or amount of fine and shall serve a copy of such order within the five (5) days upon the licensee, said service to be personal or by certified or registered mail, return receipt requested.

3-8-13: **CARRYING OF ALCOHOLIC LIQUOR FROM PREMISES:** No person shall carry any alcoholic liquors in an unsealed or opened container from the licensed premises where such alcoholic liquor was purchased.

No licensee or person as proprietor, agent, servant, or employee of such licensee shall knowingly permit any patron to violate this Section nor sell alcoholic liquors to such person knowing that such person intends to carry the alcoholic liquor from the premises in an open or unsealed container.

The foregoing provisions shall not apply when a licensee has been issued a Class F license and further provided that the person carrying such unsealed or open container does not carry same off of the area for which the Class F license has been granted.

3-8-14: **CERTAIN ACTS PROHIBITED:** It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit any person on the premises or in any area which can be viewed from the premises acts of or acts which simulate:

- (A) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) The touching, caressing, or fondling of the breasts, buttocks, anus, or genitals.
- (C) The displaying of the pubic hair, anus, vulva, or genitals.
- (D) To permit any person to remain in or upon the licensed premises who commits any of the acts described above or allows another person to commit upon his or her body any of the acts described above.

3-8-15: **CLOSING PREMISES:** If a disturbance occurs on the licensed premises during the operating hours as set forth in this Chapter, which appears to endanger the lives, property, or persons of the patrons of a licensed premises, the Chief of Police or his delegate may order the licensed establishment to close its business until the next business day and may order all the patrons to leave the licensed premises immediately.

3-8-16: **CONDITION OF PREMISES:** All premises used for the retail sale of alcoholic liquor or for the storage of such liquor for retail sale shall be kept in a clean and sanitary condition and shall be kept in full compliance with the provisions of this Chapter and other ordinances of the Village regulating the condition of premises.

3-8-17: **CURB SERVICE, DRIVE THRU:** The premises for which a license has been issued shall not have drive-thru facilities whereby a consumer can purchase beer, wine, or other alcoholic liquor from a motor vehicle.

It is the intent and purpose of this Section to allow the purchase and/or sale of beer, wine, or other alcoholic liquor in the premises only, unless otherwise allowed by the issuance of a Class F license.

3-8-18: **DELIVERY TO MINORS:** No person after purchasing or otherwise obtaining alcoholic liquor shall sell, give, or deliver such alcoholic liquor to another person under the age of twenty one (21) years, except in the performance of a religious ceremony or service.

3-8-19: **DISPLAY OF LICENSE:** Every licensee shall cause his license issued under this Chapter to be framed and kept in plain view in a conspicuous place on the licensed premises.

3-8-20: **DISPLAY OF WARNING CARD:** Every place in the Village where alcoholic liquor is sold for beverage purpose shall display in a prominent place in plain view on the premises a printed card which shall read as follows:

**WARNING TO MINORS**

*You are subject to a fine of up to five hundred dollars (\$500.00) under the ordinances of the Village of Morton if you purchase alcoholic liquor or misrepresent your age for the purpose of purchasing or obtaining alcoholic liquor.*

3-8-21: **ELECTION DAYS:** Liquor licensees may sell at retail alcoholic liquor on any election day in accordance with the limitations and restrictions of their respective class of license under the Morton Municipal Code.

3-8-22: **EXCEPTIONS:** The possession and dispensing, or consumption by a minor of alcoholic liquor in the performance of a religious service or ceremony, or the consumption by a minor under the direct supervision and approval of the parents, parent, guardian, or guardians of such minor in the privacy of a home is not prohibited by this Chapter. (Ord. 85-19, 4 -21-86)

3-8-23: **GAMBLING:** No licensee shall permit any gambling or gambling devices in the place licensed or any place connected therewith. Failure of such licensee to prohibit gambling in his place of business shall be grounds for revocation or suspension of his license. (Ord. 85-19, 4-21-86)

3-8-24: **GENERAL REQUIREMENTS OF LICENSE HOLDER:** No licensee nor any officer, associate member, representative, agent, or employee of such licensee shall:

- (A) Sell or possess for sale any package containing alcoholic liquor unless the same shall have affixed thereto all cancelled revenue stamps which may be required by the State or Federal laws.
- (B) Sell, give, or deliver alcoholic liquor to any person under the age of twenty one (21) years or to any intoxicated person, or to any person known to him to be a habitual drunkard, spendthrift, insane, mentally ill, mentally deficient, or in need of mental treatment.
- (C) Harbor or permit any intoxicated person to linger on the premises described in the license or permit any conduct which shall tend to disturb the peace and quiet of the neighborhood of the premises.
- (D) Serve or permit any person to consume any alcoholic liquor in any portion of the premises, the interior of which is shut off from the general public by doors, curtains, screenings, partitions, or other devices of any kind, or maintain such an area as part of or adjacent to the premises.

- (E) Make sale of alcoholic liquors in excess of or contrary to the powers granted in any of the provisions of the license for the premises or in violation of the Liquor Control Act of 1934.
- (F) Employ or permit anyone under the age of twenty one (21) years to act as an entertainer, or to sell or serve alcoholic liquor, or to act as a bartender in the preparation of alcoholic liquor; except that a person of nineteen (19) years of age may serve such liquor to tables beyond the bar or place of preparation; provided, that all of the following conditions are met:
1. The primary duty of such person is the serving of food and the servicing of patrons seated at tables.
  2. The service of alcoholic beverages is incidental to the service of food to patrons.
  3. Service shall not be at a counter primarily used for serving drinks (i.e., bar) or any portion of the establishment where meals are not generally served (i.e., cocktail lounge).
- (G) Allow the sale or consumption of alcoholic liquor in any area except in the premises, unless the licensee has been issued a Class F license, and in such case only as allowed under the conditions of such Class F license. (Ord. 85-19, 4-21-86)
- (H) Violate any provisions of Title 12 Chapter 2 of the Morton Municipal Code or violate any rules or regulations promulgated by any authority pursuant to the Smoke Free Illinois Act. (Ord. 07-52, 1-7-08)

3-8-25: **LOCATION RESTRICTIONS:** No license shall be issued for the sale at retail of any alcoholic liquor within one hundred feet (100') of any church, school, hospital, home for the aged, indigent persons, or veterans, undertaking establishment, or mortuary; provided that this prohibition shall not apply to restaurants, regularly organized clubs, food shops, or other places where sale of alcoholic liquors is not the principal business carried on, if such place of business so exempted shall have been established for such purposes prior to taking effect of this Chapter, nor to the renewal of a license for the sale at retail of alcoholic liquor on premises within one hundred feet (100') of any church or school since the issuance of the original license. In the case of a church, a distance of one hundred feet (100') shall be measured to the nearest part of any building used for worship services or educational programs and not to property or boundaries.

No Class A-1 or B-1 license may be issued to a location which is within one hundred feet (100') of any residentially zoned district. The one hundred feet (100') shall not include any right-of-way between the properties.

Any existing location that has a Class A-1 or B-1 liquor license and which is located within the restricted area shall be exempt from this requirement. The exemption shall remain in effect for such location as long as the liquor license remains in effect and for an additional period of one year from the time the license is terminated. (Ord. 85-19, 4-21-86; amd. Ord. 11-25, 11-21-11)

3-8-26: **MINORS IN TAVERNS:** It shall be unlawful for any minor person under the age of seventeen (17) years, unless accompanied by his parent, legal guardian, or other responsible adult at least twenty five (25) years of age having the custody and control of said minor person, to enter upon or attempt to enter any premises licensed as a tavern, except in the exercise of the legitimate business or trade of such minor; provided, however, that this Section shall not apply to restaurants, clubs, package liquor stores, or to that portion of bowling alleys other than those used exclusively or primarily for the sale and consumption of alcoholic liquors. (Ord. 85-19, 4-21-86)

3-8-27: **MISREPRESENTATION OF AGE:** If a licensee or his agent or employee believes or has reason to believe that sale or delivery of any alcoholic liquor is prohibited because of the nonage of the prospective recipient, he shall, before making such sale or delivery, demand presentation of some form of positive identification containing proof of age, issued by a public official in the performance of his official duties.

For the purpose of preventing the violation of this Section, any licensee, his agent, or employee may refuse to sell or serve alcoholic beverages to any person who, in his opinion, is unable to produce adequate positive identification of identity and of the fact that he or she is at least the age of twenty one (21). (Ord. 85-19, 4-21-86; amd. Ord. 96-27, 10-21-96)

3-8-28: **PEDDLING:** It shall be unlawful to peddle alcoholic liquor in the Village. (Ord. 85-19, 4-21-86)

3-8-29: **PUBLIC PLACES, CONSUMPTION:** No person may consume or have in his possession an open container or a container with a broken seal containing any alcoholic beverage in any park or vehicle parking area open to the public or in any restaurant or eating places not licensed to serve alcoholic beverages within the Village.

The foregoing provisions shall not apply when a licensee has been issued a Class F license; and further provided, that the aforesaid activity is only permitted pursuant to the authority and provisions of such Class F license. (Ord. 85-19, 4-21-86)

3-8-30: **REPORTING OF INCIDENTS:** Each licensee and each of his agents and employees shall immediately report to the Police Department of the Village of Morton any incident occurring in or about the licensed premises and in his knowledge or view relating to the attempt or commission of any crime, including any violation of this Chapter, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises and any events taking place in and about the licensed premises. (Ord. 85-19, 4-21-86)

3-8-31: **RESTRICTED AREA:** It shall be unlawful to sell or offer for sale at retail any alcoholic liquor within any residential district of the Village. (Ord. 85-19, 4-21-86)

3-8-32: **SALE OF LICENSED PREMISES:** Upon application being filed with the Local Liquor Control Commissioner, or his designee, and upon payment of an investigation fee in the sum of fifty dollars (\$50.00), the Local Liquor Control Commissioner may issue a license to the purchaser of an established licensed business as a going concern. Such application must be for exactly the same class of license as that held by the seller, and such application shall be only for the same location as the previously licensed business. Any such purchaser shall make application for the issuance of a new license to him, and in such application he shall state the actual facts in respect to his purchase of such business. He shall also fill out an application form and furnish the information and make that statement similar to that required of any other licensee under Section 3-8-7 of this Chapter. Such application shall be investigated and approved or rejected in the case of applications for original licenses; and, if approved, the license shall be issued to such purchaser upon payment to the Local Liquor Control Commissioner, or his designee, of the license fee then due, without any credit for any unused portion of the previous license; and there shall be no rebate to any person for any unused portion of any license. No license shall be issued to the purchaser of such business until the seller of such business shall have surrendered his license to the Local Liquor Control Commissioner, or his designee, for cancellation. (Ord. 85-19, 4-21-86; amd. Ord. 04-53, 3-7-05)

3-8-33: **SHOWING OF CERTAIN FILMS, PICTURES PROHIBITED:** It shall be unlawful for any licensee for on-premises consumption under this Chapter to suffer or permit the showing on the premises or in any area which can be viewed from the premises of film, still pictures, electronic reproduction, or other visual reproductions depicting:

- (A) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.
- (B) Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals.

- (C) Scenes wherein a person displays the vulva or the anus or the genitals.
- (D) Scenes wherein artificial devices or inanimate objects are employed to depict or drawings are employed to portray any of the prohibited activities described above. (Ord. 85-19, 4-21-86)

3-8-34: **PENALTY PROVISIONS:** Any person other than a license holder who violates any of the provisions of this Chapter shall, upon conviction, be punished by a fine of not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00) except that the minimum fine for violations of certain sections of this Chapter shall be as follows:

- (A) Section 3-8-14: Two hundred dollars (\$200.00).
- (B) Section 3-8-18: Two hundred dollars (\$200.00).
- (C) Section 3-8-27: (Rep. by Ord. 96-27, 10-21-96)
- (D) Section 3-8-33: Two hundred dollars (\$200.00).

License holders are subject to the provisions of Sections 3-8-1 and 3-8-12 of this Chapter and are subject to the fines provided for therein. (Ord. 85-19,4-21-86; amd. Ord. 99-37, 12-6-99)

3-8-35: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 85-19, 4-21-86)



## CHAPTER 9

**ITINERANT MERCHANTS, PEDDLERS<sup>1</sup>**

## SECTION:

- 3-9-1: Definitions
- 3-9-2: License And Bond Provisions
- 3-9-3: Application
- 3-9-4: License
- 3-9-5: Exemption From Application, License, And Bond Requirements
- 3-9-6: Possession Required
- 3-9-7: Special Events
- 3-9-8: Vehicles To Be Marked
- 3-9-9: Peddling On Nonmotorized Vehicles After Sunset Prohibited
- 3-9-10: Limitation On Hours Of Operation
- 3-9-11: Public Streets; Restrictions
- 3-9-12: Restrictions On Sales Facilities On Private Property
- 3-9-13: Location Of Sales Facilities On School Or Park Property
- 3-9-14: Fraud
- 3-9-15: Violation And Penalty
- 3-9-16: Severability Clause
- 3-9-17: Violations Of Other Laws Or Regulations

3-9-1: **DEFINITIONS:** For purposes of this Chapter:**ITINERANT  
MERCHANT:**

Any person whether or not the person is an employee of another person, who on real property in which he does not hold a fee simple interest or does not have a leasehold interest of at least six (6) months establishes a display, exhibition, or sales facility for the purpose of selling, offering, or displaying for sale and immediate delivery of tangible personal property at retail or sale of food shall be considered an itinerant merchant for purposes of this Chapter if:

- (A) The display, exhibition, or sales facility is established with the intent that such display, exhibition, or sales facility will remain in operation for a period of less than six (6) months; or
- (B) The display, exhibition, or sales facility is established with the intent that its operation will be interrupted for a period of more than ninety (90) days in any calendar year.

**NONPROFIT  
ORGANIZATION:**

Any bona fide charitable, educational, fraternal, labor, religious, or veterans' organization that operates without profit to its members and which has been in existence continuously for a period of five (5) years or more immediately before making application for a license and which has had during the entire five (5) year period a bona fide membership engaged in carrying out its objectives. If the organization has an exemption under section 501(C) of the Internal Revenue Code, the five (5) year requirement is waived. In such case, a copy of that exemption shall be filed with the Village.

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<sup>1</sup> 65ILCS 5/11-42-5.

**PEDDLER:** Any person, whether or not the person is an employee of another person, who directly or indirectly sells or offers for sale, barter, or exchange any farm produce, vegetables, dairy products, meat, fish, foods of any kind, or other goods, wares, or merchandise of any kind, at retail, making delivery of said goods at the time of sale regardless of whether or not such person collects payment at the time of sale, all while traveling from place to place in, along, and upon the streets, alleys, sidewalks, or other public places within the Village, or while operating from one or more locations outside of a totally enclosed permanent structure.

Photographers shall be considered peddlers for all purposes of this Chapter if they do not have a primary address within the Village of Morton limits and they do not conduct business at said address at least six (6) months a year. Photographers who engage in home portraits at the customer's residence or who photograph weddings are exempt from this Chapter.

**SOLICITOR:** A solicitor is a person who obtains orders, subscriptions, gifts, contributions, or items of a similar nature. Solicitors are regulated under Title 3, Chapter 20 of the Morton Municipal Code. (Ord. 93-21, 1-3-94)

**3-9-2: LICENSE AND BOND PROVISIONS:**

(A) It shall be unlawful for any peddler or itinerant merchant to transact any business within the Village without having first obtained a license therefor.

(B) It shall be unlawful for any "peddler" or "itinerant merchant" as herein defined, except as provided in Section 3-9-7 of this Chapter, or as provided in subsection (C) of this Section, to transact any business within the Village without having first filed with the Chief of Police, or his designee, a bond running to the Village in the sum of one thousand dollars (\$1,000.00), in cash or executed by a surety company, conditioned that the application shall comply with all the provisions of this Code, the Village Ordinances and the Statutes of the State regulating and concerning the sale of food, goods, wares, and merchandise and will pay all judgments rendered against such applicant for any violation of this Code, or the Ordinances or Statutes or any of them, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with the applicant, whether such representation or deception was made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, and merchandise sold or any part thereof. Action on the bond may be brought by any person. The bond shall have an expiration date of sixty (60) days after the license for which it was issued expires. Any cash deposit shall be returned on the sixty first (61) day after the license expired, providing no claims have been made on same. If there are any pending claims, the deposit shall continue to be held until all claims are settled by agreement of the parties involved or by appropriate order of court. (Ord. 04-53, 3-7-05)

(C) If a peddler or itinerant merchant has been in business for a period of one year or more prior to the adoption of this Chapter, then said peddler or itinerant merchant shall be exempt from filing a bond. "In business" shall mean transacting business for a period of at least thirty (30) consecutive days except for closing the business no more than one (1) day per week during said period. This exception shall apply as long as the peddler or itinerant merchant continues in business each calendar year. The exception shall cease if the peddler or itinerant merchant ceases business during any calendar year.

If a peddler or itinerant merchant has previously been issued a license for the immediately preceding year, and has otherwise complied with all provisions of this Chapter, then the bond is waived for that year.



- (D) No license required in subsection (A) of this Section shall be issued until the applicant therefor shall have filed the bond required in subsection (B) of this Section and provide proof of a sales tax identification number or an exemption. (Ord. 93-21, 1-3-94; amd. Ord. 05-27, 11-21-05)
- (E) No license may be issued for the sale of fireworks as defined by 425 Illinois Compiled Statutes 35/1 as now in effect, or as may from time to time be amended, or for the sale of snake or glow worm pellets; smoke devices; trick noisemakers known as "party poppers," "booby traps," "snappers," "trick matches," "cigarette loads," and "auto burglar alarms," sparklers; or toy pistols, toy canes, toy guns, or other devices in which plastic or plastic caps containing twenty five hundredths (0.25) grains or less of explosive compound are used. (Ord. 96-45, 4-21-97)
- (F) All licensees shall comply with all ordinances of the Village of Morton. (Ord. 05-27, 11-21-05)

3-9-3: **APPLICATION:** Applications for licenses required by Section 3-9-2 of this Chapter shall be made, in writing, to the Chief of Police, or his designee, and shall state thereon the name and permanent address of the applicant; the kind of merchandise or nature of service to be sold or contracted for; the proposed area or place where the business is sought to be conducted; the proposed hours during which business will be conducted; the State sales tax number of the operator; and, in case of a corporation or firm, the name, permanent business address, and names of the principal officers of the same. The Chief of Police, or his designee, shall process the application by the end of the next business day following the day it was received. (Ord. 93-21, 1-3-94; amd. Ord. 04-53, 3-7-05)

3-9-4: **LICENSE:** The license fee shall be one hundred dollars (\$100.00). Each license issued hereunder shall be for a period of time not to exceed three (3) months and shall be for one (1) location only. A license may be renewed no more than one (1) time in a calendar year. Application for renewal shall be made to the Chief of Police or his designee on such forms as the Chief of Police may require. The renewal fee for a license shall be fifty dollars (\$50.00). In the event any person has transacted any business without obtaining a license or renewal, then in addition to any penalties he or she may be subject to, the license or renewal fee shall be two hundred dollars (\$200.00). (Ord. 93-21, 1-3-94; amd. Ord. 05-27, 11-21-05; amd. Ord. 15-11, 11-2-15)

3-9-5: **EXEMPTION FROM APPLICATION, LICENSE, AND BOND REQUIREMENTS:**  
The following shall be exempt from the application, license, and bond requirements of this Chapter:

- (A) **Prior Invitation:** Any person who, for the purpose of selling or taking orders for the sale of merchandise or services, has been previously invited by the occupant of a residence to call thereon.
- (B) **Nonprofit Organization:** Any person selling, peddling, soliciting, or taking orders for any goods or services not prohibited by law on behalf of a nonprofit organization sponsored by or participated in by a local chapter of such organization; or by a national nonprofit organization not represented locally but which has filed a statement of registration with the Chief of Police, or his designee, specifying the name of the nonprofit organization, its permanent address, the names of its principal officers, and names of those persons who are authorized to sell, peddle, or solicit or take orders for goods and services within the Village. (Ord. 04-53, 3-7-05)
- (C) **Celebrations or Events:** Any person selling, peddling, soliciting, or taking orders for any goods or services not prohibited by law while participating in a Morton Merchant Association event, Morton Chamber of Commerce Pumpkin Festival, and any Downtown Business Association event. (amd. Ord. 05-27, 11-21-05)
- (D) **Newspaper Vendors:** Any person who, on behalf of the publisher of any newspaper of general circulation within the Village, peddles the same within the Village.

- (E) Holders of Special Liquor Licenses: Any holder of a Class F liquor license issued under the provisions of Chapter 8 of this Title may conduct liquor sales in accordance with the terms of such license.
- (F) Registered Solicitors: Persons who have registered to solicit under the provisions of Chapter 20 of this Title.
- (G) Garage Sales: The provisions of Title 12, Chapter 1 of this Code apply to garage sales.
- (H) Persons Under Age Twelve: Sales by any person under the age of twelve (12) years. (Ord. 93-21, 1-3-94)
- 3-9-6: **POSSESSION REQUIRED:** Any person licensed pursuant to this Chapter shall, at all times, while engaged in the activities defined in Section 3-9-1 of this Chapter, keep said license in his possession and shall display the same upon the demand of any police officer or upon the request of any person whose premises he seeks to enter. (Ord. 93-21, 1-3-94)
- 3-9-7: **SPECIAL EVENTS:** If two (2) or more persons desire to conduct business which is covered by this Chapter, and they are sponsored by a business who owns or leases property adjacent to where the business is to be conducted, or they are sponsored by an organization representing businesses, then a special event license can be obtained, subject to the following:
- (A) One license will be issued in the name of the sponsoring business or business organization who shall assume all responsibility with respect to the provisions of this Chapter.
- (B) The special event shall not exceed seven (7) consecutive days.
- (C) No license fee shall be collected for the event.
- (D) The bond requirements shall be waived.
- (E) All other provisions of this Chapter shall be complied with. (Ord. 93-21, 1-3-94)
- 3-9-8: **VEHICLES TO BE MARKED:** Every vehicle or conveyance used by a person licensed hereunder shall be conspicuously marked with the name of such person or his employer. This provision shall apply to peddlers only. (Ord. 93-21, 1-3-94)
- 3-9-9: **PEDDLING ON NONMOTORIZED VEHICLES AFTER SUNSET PROHIBITED:** It shall be unlawful for any person to peddle any goods, wares, or other merchandise by means of a bicycle or other nonmotorized vehicle after sunset and before sunrise. (Ord. 93-21, 1-3-94)
- 3-9-10: **LIMITATION ON HOURS OF OPERATION:** It shall be unlawful for any peddler or itinerant merchant to transact the business of a peddler or itinerant merchant as defined in Section 3-9-1 of this Chapter before sunrise or after the later of either the hour of six o'clock (6:00) P.M. or sunset. (Ord. 93-21, 1-3-94)
- 3-9-11: **PUBLIC STREETS; RESTRICTIONS:**
- (A) Prohibition: No person, firm, corporation, or other legal entity shall peddle on any public right of way within the corporate limits of the Village. No person, firm, corporation, or other legal entity shall act as an itinerant merchant on any public right of way within the corporate limits of the Village.
- (B) Exemption: If the President and Board of Trustees have authorized the temporary closing of a public street, or any portion thereof, then during the period of such closing, personal property, including food products, may be peddled subject to all other applicable Ordinances of the Village. (Ord. 93-21, 1-3-94)

3-9-12: **RESTRICTIONS ON SALES FACILITIES ON PRIVATE PROPERTY:** No peddler or itinerant merchant licensed under the provisions of this Chapter may operate from or erect or place any display, exhibition, or sales facility of any nature whatsoever upon any parcel of privately owned real property except under the following conditions:

- (A) Such activity is permitted under all applicable zoning regulations.
- (B) The size and location of the display, exhibition, or sales facility shall not exceed any limitations that apply to the zoning district it is located in. A sales facility cannot be a trailer.
- (C) All parking requirements are met on the parcel where the display, exhibition, sales facility, or operation is located. Any area used by said display, exhibition, sales facility, or operation shall not be considered available for parking.
- (D) Except as otherwise permitted in this Chapter, no peddler or itinerant merchant shall establish a display or offer for sale any goods, merchandise, or other tangible personal property from any location which is closer to any public right of way than the front or side yard setback established under the zoning regulations set forth in this Code which are applicable to the parcel from which he is operating.
- (E) Except as otherwise permitted in this Chapter, no peddler or itinerant merchant shall establish or display a sign without first complying with this Code's regulations applicable to signs. (Ord. 93-21, 1-3-94)

3-9-13: **LOCATION OF SALES FACILITIES ON SCHOOL, PARK, LIBRARY, OR TOWNSHIP PROPERTY:** A licensed peddler or itinerant merchant may erect and operate a temporary display or facility upon property under the control of any school, park, library district, or township property, provided the written consent of an authorized official of the school, park, library district, or township in question is first obtained. (Ord. 93-21, 1-3-94; amd. Ord. 05-27, 11-21-05)

3-9-14: **FRAUD:** Any licensed peddler or itinerant merchant who shall be guilty of any fraud, cheating, misrepresentation, or imposition, whether himself or through an employee, while engaged in his trade within the Village or who shall sell or peddle any goods other than those specified in his application for a license shall be deemed guilty of a violation of this Chapter. (Ord. 93-21, 1-3-94)

3-9-15: **VIOLATION AND PENALTY:** Any person, firm, corporation, or other legal entity convicted of a violation of any provision of this Chapter shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than seven hundred fifty dollars (\$750.00). Each day sales are made without a license shall be considered a separate violation. (Ord. 93-21, 1-3-94; amd. Ord. 99-37, 12-6-99)

3-9-16: **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 provision, clause, sentence, paragraph, section, or part thereof not then been included.

(Ord. 93-21, 1-3-94)

3-9-17: **VIOLATIONS OF OTHER LAWS OR REGULATIONS:** Any license holder who violates any Ordinance, State Statute, Federal law, or any government agency rule or regulation shall upon notice of such violation immediately cease selling all products or property and turn its license in to the Village, at which time it shall be considered void. (Ord. 96-45, 4-21-97)



CHAPTER 10  
JUNK DEALERS

## SECTION:

- 3-10-1: License Required
- 3-10-2: Applications
- 3-10-3: Fee
- 3-10-4: Stolen Goods
- 3-10-5: Vehicles
- 3-10-6: Location; Frontage Contents
- 3-10-7: Records
- 3-10-8: Purchase Restrictions
- 3-10-9: Sales

3-10-1:     **LICENSE REQUIRED:** It shall be unlawful to operate or carry on the business of junk dealer or to keep any junk shop, store, or place for the purchase or sale of junk, rags, old rope, paper or bagging, old iron, brass, copper, or empty bottles, without having obtained a license therefor as is hereinafter provided.<sup>1</sup> (1944 Code, Sec. 241)

3-10-2:     **APPLICATIONS:** Applications for such licenses shall be made in conformance with the provisions of this Code relating to licenses. (1944 Code, Sec. 242)

3-10-3:     **FEE:** The fee to be paid for such licenses, for an annual license, shall be one hundred dollars (\$100.00); and an additional fee of ten dollars (\$10.00) for each vehicle used in the conduct of such business; provided that a junk dealer not maintaining a store or yard in the Village shall pay only a license of ten dollars (\$10.00) per vehicle used in the conduct of such business within the Village. (1944 Code, Sec. 243)

3-10-4:     **STOLEN GOODS:** Every keeper of a junk shop who shall receive or be in possession of any goods, articles, or things of value which may have been lost or stolen, shall upon demand produce such articles or thing to any member of the Police Department for examination. (1944 Code, Sec. 244)

3-10-5:     **VEHICLES:** Every vehicle used by a junk dealer in the conduct of his business, shall bear thereon in legible characters the name and address of the owner and proprietor thereof, and the Village license number. (1944 Code, Sec. 244-A)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 11-42-3 amd. 1967.

3-10-6:       **LOCATION; FRONTAGE CONTENTS:** No person shall locate, build, construct, operate, or maintain any junk yard in any block in the Village where two-thirds (2/3) of the houses abutting on both sides of the street in the block are used exclusively for residence purposes without having first secured the written consent of the owners of two-thirds (2/3) of the frontage abutting on such street on both sides within such block.

The term "block" as used in this Section shall be construed to mean and include that portion of the street between the two (2) intersections with other public streets nearest the specified location on each side; provided that if, on either or both sides of such location, there is no such intersection within three hundred feet (300') of the center of the specified location, the block shall be considered as terminating at a point three hundred feet (300') from such center.

The term "street" as used in this Section shall be construed to mean and include such highways as have been dedicated by either common law or statutory dedication as public streets and are actually in use as such; and the term "street" shall not be construed to include or mean service highways which are commonly known as alleys.

And provided that nothing contained in this Chapter shall be taken to be in repeal of or in conflict with the Zoning provisions of the Village. (1944 Code, Sec. 245)

3-10-7:       **RECORDS:** It shall be the duty of each junk dealer to keep a book in which shall be written at the time of every purchase by him of any article or thing of value, a description thereof, the name, age, and residence of the person from whom, and the day and hour when such purchase was made, and there shall also be entered in said book the name of the person to whom and the time when such article or thing of value was sold or disposed of; which book shall be at all times open to the inspection of the President, the Chief of Police, or any member of the Board. (1944 Code, Sec. 246)

3-10-8:       **PURCHASE RESTRICTIONS:** No purchases shall be made or any articles or things of value received from any intoxicated person, or from any minor without having obtained the written consent of the parent or guardian of such minor. (1944 Code, Sec. 247)

3-10-9:       **SALES:** No article or thing of value purchased or received by any junk dealer shall be sold or otherwise disposed of until at least one (1) week from the date of its purchase or receipt shall have elapsed. (1944 Code, Sec. 248)

## CHAPTER 12

**FOREIGN FIRE INSURANCE COMPANIES**

## SECTION:

- 3-12-1: Compliance Required
- 3-12-2: Fees
- 3-12-3: Reports
- 3-12-4: Time Of Payment

3-12-1: **COMPLIANCE REQUIRED:** It shall be unlawful for any corporation or association not incorporated under the laws of the State of Illinois to engage in effecting fire insurance in the Village without fully complying with the provisions of this Chapter. (1944 Code, Sec. 255)

3-12-2: **FEES:** Any such corporation or association shall pay to the Treasurer for the maintenance, use, and benefit of the Fire Department, a sum of money, equal to two percent (2%) of the gross receipts each year received for premiums by any and all agents of any such corporation or association or received as premiums in any way for fire insurance policies on any property in this Village. Such payments shall be made for the year ending the first of July of each year. (1944 Code, Sec. 256)

3-12-3: **REPORTS:** Each person acting as representative for or on behalf of any such company or association shall, on or before the fifteenth (15) day of July of each year, render to the Treasurer a full, true, and just account, verified by his oath, of all premiums which shall have been received by him on behalf of the company during the year ending the preceding first of July on such fire insurance policies. (1944 Code, Sec. 257)

3-12-4: **TIME OF PAYMENT:** All payments under the provisions of this Chapter shall be made on or before the fifteenth (15) day of July following the termination of the year for which such payments are due.<sup>1</sup> (1944 Code, Sec. 258)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 11-10-1.





## CHAPTER 19

**ABANDONED, LOST, STOLEN, OR UNCLAIMED VEHICLES**

## SECTION:

- 3-19-1: Definitions
- 3-19-2: Abandonment Unlawful
- 3-19-3: Notification To Police
- 3-19-4: Removal Of Motor Vehicles Or Other Vehicles-Towing Or Hauling Away
- 3-19-5: Records To Be Kept
- 3-19-6: Record Searches
- 3-19-7: Notification Of Owner
- 3-19-8: Reclamation Of Vehicle
- 3-19-9: Public Sale
- 3-19-10: Disposal Of Unclaimed Vehicles Without Notice
- 3-19-11: Report Of Transaction
- 3-19-12: Proceeds Of Sale
- 3-19-13: City Not Held Liable

3-19-1: **DEFINITIONS:** For the purpose of this Ordinance, the following words shall have the meanings ascribed to them as follows:

**ABANDONED VEHICLE:** Means all motor vehicles or other vehicles in a state of disrepair rendering the vehicle incapable of being driven in its condition; or any motor vehicle or other vehicle that has not been moved or used for seven (7) consecutive days or more and is apparently deserted.

**ANTIQUÉ VEHICLE:** Means any motor vehicle or other vehicle twenty five (25) years of age or older.

**HIGHWAY:** Means any street, alley, or public way within the Village. (Ord. 507, 8-3-70)

3-19-2: **ABANDONMENT UNLAWFUL:** The abandonment of a motor vehicle or other vehicle or any part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicle or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in this Municipality is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Village Police Officer after a waiting period of seven (7) days or more has expired. (Ord. 507, 8-3-70; amd. Ord. 88-24, 12-19-88)

3-19-3: **NOTIFICATION TO POLICE:** When an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle comes into the temporary possession or custody of a person in this State, not the owner of the vehicle, such person shall immediately notify the Morton Police Department when the vehicle is within the corporate limits of the Village. Upon receipt of such notification, the Chief of Police shall authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this Ordinance. (Ord. 507, 8-3-70)

3-19-4: **REMOVAL OF MOTOR VEHICLES OR OTHER VEHICLES-TOWING OR HAULING AWAY:** The provisions of paragraph 4-203 of the Illinois Vehicle Code (Illinois Revised Statutes, chapter 95 1/2, paragraph 4-203) and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 3, Chapter 19, Section 4. (Ord. 88-24, 12-19-88)

3-19-5: **RECORDS TO BE KEPT:** When a motor vehicle or other vehicle is authorized to be towed away, the Police Department shall keep and maintain a record of the vehicle towed, listing the color, year of manufacture, manufacturer's trade name, manufacturer's series name, body style, vehicle identification number, and license plate year and number displayed on the vehicle. The record shall also include the date and hour of tow, location towed from, location towed to, reason for towing, and the name of the officer authorizing the tow. (Ord. 507, 8-3-70)

3-19-6: **RECORD SEARCHES:** The provisions of paragraph 4-205 of the Illinois Vehicle Code (Illinois Revised Statutes, chapter 95 1/12, paragraph 4-205) and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 3, Chapter 19, Section 6. (Ord. 88-24, 12-19-88)

3-19-7: **NOTIFICATION OF OWNER:** When the registered owner, lienholder, or other person legally entitled to the possession of a motor vehicle or other vehicle cannot be identified from the registration files of this State or from the registration files of a foreign State, if applicable, the Police Department shall notify the Illinois State Police for the purpose of identifying the vehicle's owner or other person legally entitled to the possession of the vehicle. The information obtained by the Illinois State Police will be immediately forwarded to the law enforcement agency having custody of the vehicle for notification of owner. (Ord. 507, 8-3-70; amd. Ord. 88-24, 12-19-88)

3-19-8: **RECLAMATION OF VEHICLE:** Any time before a motor vehicle or other vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid. (Ord. 507, 8-3-70)

3-19-9: **PUBLIC SALE:** Whenever an abandoned, lost, stolen, or unclaimed motor vehicle or other vehicle, seven (7) years of age or newer, remains unclaimed by the registered owner, lienholder, or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public auction to a person licensed as an automotive parts recycler, rebuilder, or scrap processor, under Chapter 5 of the Illinois Vehicle Code, to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner, lienholder, or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle.

In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required. (Ord. 507, 8-3-70; amd. Ord. 88-24, 12-19-88)

3-19-10: **DISPOSAL OF UNCLAIMED VEHICLES WITHOUT NOTICE:** The provisions of paragraph 4-209 of the Illinois Vehicle Code (Illinois Revised Statutes, Chapter 95 1/2, paragraph 4-209) and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 3, Chapter 19, Section 10. (Ord. 88-24, 12-19-88)

3-19-11:     **REPORT OF TRANSACTION:** When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner, lienholder, or other legally entitled person, or when the vehicle is sold at public sale or otherwise disposed of as provided in this Ordinance, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal.

3-19-12:     **PROCEEDS OF SALE:** When a vehicle located within the corporate limits of the Village is authorized to be towed away by the Village Police Officer and disposed of as set forth in this Ordinance, the proceeds of the public sale or disposition after the deduction of towing, storage, and processing charges shall be deposited in the Municipal Treasury.

3-19-13:     **CITY NOT HELD LIABLE:** Any police officer, towing service owner, operator, or employee shall not be held to answer or be liable for damages in any action brought by the registered owner, former registered owner, or his legal representative, lienholder, or any other person legally entitled to the possession of a motor vehicle when the vehicle was processed and sold or disposed of as provided by this Ordinance. (Ord. 507, 8-3-70; amd. Ord. 88-24, 12-19-88)



## CHAPTER 20

**REGISTRATION OF RESIDENTIAL SOLICITORS**

## SECTION:

3-20-1:	Definitions
3-20-2:	Certificate Of Registration
3-20-3:	Application For Certificate Of Registration
3-20-4:	Issuance Of Certificate
3-20-5:	Revocation Of Certificate
3-20-6:	Notice Regulating Soliciting
3-20-7:	Duty Of Solicitors
3-20-8:	Uninvited Soliciting Prohibited
3-20-9:	Time Limit Of Soliciting
3-20-10:	Severability Clause
3-20-11:	Compliance With Other Applicable Licensing Or Registration Provisions Required
3-20-12:	Penalty

3-20-1: **DEFINITIONS:**

(A) Definitions: For the purpose of this Chapter, the following words as used herein shall be construed to have the meaning herein ascribed thereto:

**REGISTERED SOLICITOR:** Any person who has obtained a valid certificate of registration as hereinafter provided, and which certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

**RESIDENCE:** Every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure.

**SOLICITING:** Any one or more of the following activities (unless specifically exempted in subsection B of this Section):

1. Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services of any kind, character, or description whatever, for any kind of consideration whatever; or
2. Seeking to obtain prospective customers for application or purchase of insurance of any type, kind, or character; or
3. Seeking to obtain subscriptions to books, magazines, periodicals, newspapers, and every other type of publication.

(B) Exemptions: Notwithstanding the provisions of subsection A of this Section, the following types of solicitations are exempt:

1. Those on behalf of any public school or private school which is accredited by the State of Illinois;
2. Those conducted for the primary benefit of a youth organization. (Ord. 93-17, 11-15-93)

3-20-2: **CERTIFICATE OF REGISTRATION:** It is hereby declared to be the policy of the governing body of this Municipality that the occupant or occupants of the residences in this Municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences. If no determination is made as is provided in Section 3-20-6 of this Chapter, then in that event, registration is not required. (Ord. 93-17, 11-15-93)

3-20-3: **APPLICATION FOR CERTIFICATE OF REGISTRATION:** Application for the certificate of registration shall be made upon a form provided by the Chief of Police of this Municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application.

- (A) Name and address of present place of residence and length of residence at such address; also business address if other than residence address; also social security number and date of birth;
- (B) Address of place of residence during the past three (3) years if other than present address;
- (C) Physical description of the applicant; or photograph on driver's license, or State identification card;
- (D) Name and address of the person, firm, or corporation or association whom the applicant is employed by or represents; and length of time of such employment or representation;
- (E) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
- (F) Period of time for which the certificate is applied for;
- (G) The date, or approximate date, of the latest previous application for certificate under this Chapter, if any;
- (H) Has a certificate of registration issued to the applicant, other than any person seeking to obtain gifts or contributions of money, clothing, or any other valuable thing for the support or benefit of any charitable, religious, political, or nonprofit association, organization, corporation, or project under this Chapter ever been revoked;
- (I) Has the applicant ever been convicted of a violation of any of the provisions of this Chapter, regulating soliciting;
- (J) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States;

All statements made by the applicant under the application or in connection therewith shall be under oath.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all certificates of registration issued under the provisions of this Chapter, and of the denial of applications. Applications for certificates shall be numbered when filed, and every certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued. (Ord. 93-17, 11-15-93)

3-20-4: **ISSUANCE OF CERTIFICATE:** No certificate of registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States, within five (5) years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Chapter within two (2) years of the date of such conviction. No certificate of registration shall be issued to any person whose certificate of registration issued hereunder has previously been revoked within two (2) years of the date of such revocation.

The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications of such certificate as herein required. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the certificate of registration shall be issued forthwith.

Any certificate of registration that is issued hereunder shall have stated on same the expiration date thereof, which shall be thirty (30) days from its issuance. After a certificate has expired, application for reissuance may be made. (Ord. 93-17, 11-15-93)

3-20-5: **REVOCAION OF CERTIFICATE:** Any certificate of registration issued hereunder shall be revoked by the Chief of Police if the holder of the certificate is convicted of a violation of any of the provisions of this Chapter or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a certificate of registration under the terms of this Chapter. Immediately upon such revocation written notice thereof shall be given by the Chief of Police to the holder of the certificate in person or by certified U.S. mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice, the certificate of registration shall become null and void. Revocation shall be effective upon personal delivery by the Chief of Police or his designee or upon the deposit of the notice in the U.S. mail. (Ord. 93-17, 11-15-93)

3-20-6: **NOTICE REGULATING SOLICITING:** Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Chapter, shall comply with the following regulations:

(A) Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

A weatherproof card, approximately three inches by four inches (3" x 4") in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

ONLY SOLICITORS REGISTERED IN MORTON INVITED

or

NO SOLICITORS INVITED

(B) The letters shall be at least one-third inch (1/3") in height. For the purpose of uniformity the cards shall be provided by the Chief of Police to persons requesting same, and they shall reimburse the Village for the cost of same.

(C) Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.  
(Ord. 93-17, 11-15-93)

3-20-7: **DUTY OF SOLICITORS:** It shall be the duty of every solicitor upon going onto any premises in the Municipality upon which a residence as herein defined is located to first examine the notice provided for in Section 3-20-6 of this Chapter, if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY SOLICITORS REGISTERED IN MORTON INVITED," then the solicitor not possessing a valid certificate of registration as herein provided shall immediately and peacefully depart from the premises; and if the notice states "NO SOLICITORS INVITED," then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant. (Ord. 93-17, 11-15-93)

- 3-20-8:       **UNINVITED SOLICITING PROHIBITED:** It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 3-20-6 of this Chapter. (Ord. 93-17, 11-15-93)
- 3-20-9:       **TIME LIMIT ON SOLICITING:** It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Chapter or not, to go upon any premises and ring the doorbell upon or near any door of such residence located thereon, or rap or knock upon any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of soliciting as herein defined, on any day of the week, prior to nine o'clock (9:00) A.M. or after nine o'clock (9:00) P.M. (Ord. 93-17, 11-15-93)
- 3-20-10:      **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 93-17, 11-15-93)
- 3-20-11:      **COMPLIANCE WITH OTHER APPLICABLE LICENSING OR REGISTRATION PROVISIONS REQUIRED:** Compliance with the provisions of this Chapter of the Village Code shall not excuse compliance with any other applicable provision of the Village Code including, but not limited to, the provisions requiring the licensing of itinerant merchants and peddlers, as set forth in Title 3, Chapter 9, of the Village Code. Furthermore, should any provision of this Chapter conflict with any provision of Title 3, Chapter 9, of this Code, then the more restrictive provision shall govern. (Ord. 93-17, 11-15-93)
- 3-20-12:      **PENALTY:** Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to a fine in a minimum amount of fifty dollars (\$50.00) and a maximum amount of seven hundred fifty dollars (\$750.00) for each offense. A separate offense may be charged for each residence contacted in violation of this Chapter. (Ord. 93-17, 11-15-93; amd. Ord. 99-37, 12-6-99)



## CHAPTER 21

**REGULATION OF ADULT BUSINESSES**

## SECTION:

- 3-21-1: Definitions
- 3-21-2: Adult Uses Enumerated
- 3-21-3: Limitations On Adult Uses
- 3-21-4: Measurement Of Distances
- 3-21-5: License Required; Filing Of Application; Filing Fee
- 3-21-6: Contents Of Application For License
- 3-21-7: Issuance Of Adult Use License
- 3-21-8: Suspension Or Revocation Of License For Adult Use
- 3-21-9: Automatic Suspension
- 3-21-10: Exterior Display
- 3-21-11: Display Of License And Permit
- 3-21-12: Employment Of Persons Under Age Of Eighteen Prohibited
- 3-21-13: Illegal Activities On Premises
- 3-21-14: Severability Clause
- 3-21-15: Violation And Penalty
- 3-21-16: Repeal Of Conflicting Provisions
- 3-21-17: Statement Of Urgency

3-21-1: **DEFINITIONS:** For the purpose of this Chapter, the following words and phrases shall have the meanings respectively prescribed to them by this Section.

**ADULT BOOK STORES:** An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale, or viewing on the premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities," or "specified anatomical areas" or an establishment with a segment or section devoted to the sale or display of such material.

**ADULT ENTERTAINMENT CABARET:** A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or waitresses, strippers, male or female impersonators, or similar entertainers.

**ADULT MINI MOTION PICTURE THEATER:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "special sexual activities" or "specified anatomical areas" for observation by patrons therein.

**ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or more persons used regularly for presenting motion pictures having as a dominant theme material distinguished or characterized by emphasis on matter depicting, describing, or relating to "special sexual activities" or "specified anatomical areas" for observation by patrons therein.

- BODY SHOP or MODEL STUDIO:** Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" are provided for observation by or communication to persons paying such consideration or gratuity.
- BUILDING STRUCTURE:** Any structure or group of structures housing two (2) or more businesses which share a common entry, exit, wall, or frontage wall, including, but not limited to, shopping center, shopping malls, shopping plazas, or shopping squares.
- SPECIFIED ANATOMICAL AREAS:** Are any of the following conditions:
1. Less than completely and opaquely covered:
    - (a) Human genitals, pubic region, or pubic hair;
    - (b) Buttock; and
    - (c) Female breast below a point immediately above the top of the areola; and
  2. Human male genitals in a discernably turgid state, even if completely covered.
- SPECIFIED SEXUAL ACTIVITIES:** Are any of the following conditions:
1. Human genitals in a state of sexual stimulation or arousal.
  2. Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.
  3. Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.
  4. Excretory functions as part of or in connection with any activities set forth in Subsections 1 through 3 of this definition. (Ord. 81-13, 7-6-81; amd. Ord. 97-17; 8-4-97)
- 3-21-2: ADULT USES ENUMERATED:** The following shall be considered adult uses for the purpose of this Chapter:
- (A) Adult book store;
  - (B) Adult motion picture theater;
  - (C) Adult mini motion picture theater;
  - (D) Adult entertainment cabaret;
  - (E) Body shop or model studio. (Ord. 81-13, 7-6-81; amd. Ord. 97-17, 8-4-97)

3-21-3: **LIMITATIONS ON ADULT USES:** Adult uses shall be permitted subject to the following restrictions:

- (A) An adult use shall not be allowed within five hundred feet (500') of another existing adult use.
- (B) An adult use shall not be located within one thousand five hundred feet (1500') of any zoning district which is zoned for Residential Suburban (R-S), Single-Family (R-1), Two-Family (R-2), or Multi-Family (R-3) residential use. (amd. Ord. 01-33, 11-19-01)
- (C) An adult use shall not be located within five hundred feet (500') of a pre-existing school or place of worship.
- (D) An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.
- (E) Any adult use doing business at the time this Chapter takes effect shall have one year from the effective date of this Chapter to comply with the provisions of paragraphs (A) through (D), inclusive, of this Section.
- (F) Any adult use doing business at the time this Chapter takes effect shall have thirty (30) days from the effective date of this Chapter to apply for the issuance of an adult use license. (Ord. 81-13, 7-6-81)

3-21-4: **MEASUREMENT OF DISTANCES:** For the purpose of this Chapter, measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the adult use to the nearest property line of another adult use, school, place of worship, or district zoned for residential use. (Ord. 81-13, 7-6-81)

3-21-5: **LICENSE REQUIRED; FILING OF APPLICATION; FILING FEE:** It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the Village, the operation of an adult use as herein defined, without first having obtained a separate license for such adult use from the President of the Village, or his designee.

Every applicant for a license to maintain, operate, or conduct an adult use shall file an application in duplicate under oath with the President, or his designee, upon a form provided by the President, or his designee, and pay a nonrefundable filing fee of fifty dollars (\$50.00) to the Village Business Manager, who shall issue a receipt which shall be attached to the application filed with the President, or his designee.

Within ten (10) days after receiving the application, the President, or his designee, shall notify the applicant that his application is granted, denied, or held for further investigation. Such additional investigation shall not exceed an additional thirty (30) days unless otherwise agreed to by the applicant. Upon the conclusion of such additional investigation, the President, or his designee, shall advise the applicant in writing whether the application is granted or denied.

Whenever an application is denied or held for further investigation, the President, or his designee, shall advise the applicant in writing of the reasons for such action.

Failure or refusal of the applicant to give any information relevant to the investigation of the application, or his or her refusal or failure to appear at any reasonable time and place for examination under oath regarding said application, or his or her refusal to submit to or cooperate with any inspection or investigation required by this Chapter, shall constitute an admission by the applicant that he or she is ineligible for such permit and shall be grounds for denial thereof by the President, or his designee. (Ord. 04-53, 3-7-05)

3-21-6: **CONTENTS OF APPLICATION FOR LICENSE:** An applicant for a license shall furnish the following information under oath:

- (A) Name and address.
- (B) Written proof that the individual is at least eighteen (18) years of age.
- (C) The exact nature of the adult use to be conducted and the proposed place of business and facilities thereto.

3-21-7: **ISSUANCE OF ADULT USE LICENSE:** The President shall issue a license to maintain, operate, or conduct an adult use unless he finds:

- (A) That the applicant is under age of eighteen (18) years or under any legal disability.
- (B) That the applicant, at the time of application for renewal of any license issued under this Chapter, would not be eligible for such license upon a first application.

Every adult use license issued pursuant to this Chapter will terminate at the expiration of one year from the date of its issuance, unless sooner revoked.

3-21-8: **SUSPENSION OR REVOCATION OF LICENSE FOR ADULT USE:** Any license issued for an adult use may be revoked or suspended by the President if the President shall find:

- (A) That the licensee has violated any of the provisions of this Chapter regulating adult uses.
- (B) The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for any license or permit required by this Chapter or knowingly caused or suffered another to furnish or withhold such information on his or her behalf.

The President before revoking or suspending any license shall give the licensee at least ten (10) days' written notice of the charges against him or her and the opportunity for a public hearing before the President, at which time the licensee may present evidence bearing upon the question. In such cases, the charges shall be specific and in writing.

3-21-9: **AUTOMATIC SUSPENSION:**

- (A) In the event a person under the age of eighteen (18) years is on the premises of an establishment operating as an adult use under this Chapter, and views any "specified sexual activities" or "specified anatomical areas" as defined in Section 3-21-1 of this Chapter, then the license issued pursuant to this Chapter shall be suspended for a period of three (3) months. (Ord. 81-13, 7-6-81)
- (B) In the event a licensee is convicted of violating any of the provisions of Ill. Rev. Stat. (1979) ch. 38, Sec. 11-20, as now in force or as may be amended from time to time or any of the provisions of Title 6, Chapter 2, Section 38 of the Morton Municipal Code as now in force or as may be amended from time to time, then the license issued pursuant to this Chapter shall be suspended for a period of three (3) months. (Ord. 81-31, 11-16-81)
- (C) The President, before suspending any license, shall give at least ten (10) days' written notice of the charge. The licensee may within five (5) days of receipt of said notice request a public hearing before the President at which time the licensee may present evidence bearing upon the question. The notice required hereunder may be delivered personally to the licensee or be posted on the premises of the establishment being used as an adult use.

- 3-21-10:     **EXTERIOR DISPLAY:** No adult use shall be conducted in any manner that permits the observation of any material depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” by display, decoration, sign, show window, or other opening from any public way or from any property not licensed as an adult use.
- 3-21-11:     **DISPLAY OF LICENSE AND PERMIT:** Every licensee shall display a valid license in a conspicuous place within the adult use business so that same may be readily seen by persons entering the premises.
- 3-21-12:     **EMPLOYMENT OF PERSONS UNDER AGE OF EIGHTEEN PROHIBITED:** It shall be unlawful for any adult use licensee or his manager or employee to employ in any capacity within the adult business any person who is not at least eighteen (18) years of age.
- 3-21-13:     **ILLEGAL ACTIVITIES ON PREMISES:** No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by any Ordinance of the Village or law of the State or of the United States.
- 3-21-14:     **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.
- 3-21-15:     **VIOLATION AND PENALTY:** Any person who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than seven hundred fifty dollars (\$750.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. (amd. Ord. 99-37, 12-6-99)
- 3-21-16:     **REPEAL OF CONFLICTING ORDINANCES:** Any other Ordinances or resolutions of the Village which may contain provisions contrary to those in this Chapter are hereby expressly revoked and shall be considered to be superseded by this Chapter.
- 3-21-17:     **STATEMENT OF URGENCY:** Pursuant to the provisions of Ill. Rev. Stat. (1979), Chapter 24, sec. 1-2-4, two-thirds (2/3) of the corporate authorities of the Village do hereby declare and direct that it is urgent that this Chapter take effect immediately upon passage by a two-thirds (2/3) vote of the corporate authorities of the Village and approval by the President. (Ord. 81-13, 7-6-81)



## CHAPTER 23

**HOTEL OR MOTEL ROOM RENTING TAX**

## SECTION:

- 3-23-1: Definitions
- 3-23-2: Tax
- 3-23-3: Books And Records
- 3-23-4: Transmittal Of Tax Revenue
- 3-23-5: Collection
- 3-23-6: Proceeds Of Tax And Fines
- 3-23-7: Suspension Of Licenses
- 3-23-8: Penalties
- 3-23-9: Purpose Of Penalties
- 3-23-10: Use Of Receipts
- 3-23-11: Severability

3-23-1: **DEFINITIONS:** For the purpose of this Chapter, whenever any of the following words, terms, or definitions are used herein, they shall have the meanings ascribed to them in this Section:

**HOTEL ROOM or MOTEL ROOM:** A room within a structure kept, used, or maintained as or advertised or held out to the public to be in an inn, motel, hotel, apartment hotel, lodging house, dormitory, or place where sleeping, rooming, office, conference, or exhibition accommodations are furnished for lease or rent, whether with or without meals. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

**OWNER:** Any person or persons having a sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person or persons to all or a portion of the net receipts thereof.

**OPERATOR:** Any person who is the proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type of character other than an employee, the managing agent shall also be deemed an operator for the purposes of this Chapter and shall have the same duties and liabilities as his/her principal. Compliance with the provisions of this Chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

**PERSON:** Any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agent, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user, or owner, or any officers, agents, employees, or other representative acting either for themselves or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular, or plural is included in any circumstances.

**3-23-2: TAX:**

- (A) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the Village a tax of six percent (6%) of the rental or leasing charge for each such hotel and motel room rented for each twenty-four (24) hour period or any portion thereof; provided, however, that the tax shall not be levied and imposed upon any person who rents a hotel or motel room as his or her permanent residence. (amd. Ord. 08-16, 10-06-08)
- (B) The ultimate incident of and liability for payment of said tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room, said person hereinafter referred to as "renter."
- (C) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager, or operator of every hotel or motel to act as trustee for and on account of the Village, and to secure said tax from the renter of the hotel or motel room and pay over to the Village Business Manager said tax under the procedures as provided in this Chapter.
- (D) Every person required to collect the tax levied by this Chapter shall secure said tax from the renter at the time they collect the rental payment for the hotel or motel room. Upon the invoice receipt or other statement or memorandum of the rent given to the renter at the time of payment, the amount due under the tax provided in this Chapter shall be stated separately on said documents.

**3-23-3: BOOKS AND RECORDS:** The Village Business Manager, or any person certified as the Business Manager's deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this Chapter and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the Village Business Manager or his duly authorized deputy or representative in the discharge of his duties and the performance of this Chapter. It shall be the duty of every owner or operator to keep accurate and complete books and records to which the Village Business Manager or his deputy or authorized representative shall at all times have access, which records shall include a daily sheet showing:

- (A) The number of hotel or motel rooms rented during the twenty-four (24) hour period, including multiple rentals of the same hotel rooms where such shall occur, and
- (B) The actual hotel or motel tax receipts collected for the date in question.

**3-23-4: TRANSMITTAL OF TAX REVENUE**

- (A) The owner or owners or operator of each hotel or motel within the Village shall file tax returns showing tax receipts received with respect to each hotel and motel room during each month period commencing on May 1, 1999, and continuing on the first day of every month thereafter on forms prescribed by the Village Business Manager. The return shall be due on or before the thirtieth day of the calendar month succeeding the end of the month filing period.
- (B) The first taxing period for the purpose of this Chapter shall commence May 1, 1999, and the tax return and payment for such period shall be due on or before June 30, 1999. Thereafter reporting periods and tax payments shall be in accordance with the provisions of this Chapter. At the time of filing said tax returns, the owner or operator shall pay to the Village Business Manager all taxes due for the period to which the tax return applies.



- (C) In case any person who is required under this Chapter to file a tax return to the Village fails to file a return when and as required under this Chapter, said person shall pay to the Village, in addition to the amount of tax required to be transmitted, a penalty of five percent (5%) of the tax that said person is required to transmit to the Village; provided, however, that a twenty percent (20%) penalty shall be imposed for any fraudulent return.
- In case any person who is required under this Chapter to file a tax return to the Village files a return at the time required but fails to transmit the tax proceeds, or any portion thereof, to the Village when due, a penalty of five percent (5%) of the amount of tax not transmitted to the Village shall be added thereto; provided, however, that the fraudulent failure to pay such tax shall result in a twenty percent (20%) penalty.
- (D) In addition to any penalty for which provision is made in this Chapter, any amount of tax not transmitted when due shall bear interest at the rate of two percent (2%) per month, or fraction thereof, until fully transmitted.
- (E) Any officer or employee of any corporation, which is an owner or operator subject to the provisions of this Chapter, who has control, supervision, or responsibility of collecting tax proceeds, filing returns, and transmitting collected tax proceeds of the tax imposed by this Chapter and who wilfully fails to file such return or to transmit any tax proceeds so collected to the Village shall be personally liable for any such amounts collected, including interest and penalties thereon, in the event that after proper proceedings for the collection of such amount, such corporation is unable to pay such amounts to the Village; and the personal liability of such officer or employees, as provided herein, shall survive dissolution of the corporation. For purposes of this subsection, a person wilfully fails to act if they take any conscious and voluntary action intending not to perform any of his obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the Village to pay any other corporate obligations.
- (F) If any operator or owner shall fail or refuse to collect said tax and to make, within the time provided in this Chapter, any report and remittance of said tax or any portion thereof required by this Chapter, the Business Manager shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of the tax due. As soon as the Business Manager shall procure such facts and information as is obtainable upon which to base the assessment of any tax imposed by this Chapter and payable to any operator or owner who has failed or refused to collect the same and to make such report and remittance, the Business Manager shall proceed to determine and assess against such operator or owner the tax, interest, and penalties provided for by this Chapter. In case such determination is made, the Business Manager shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator or owner so assessed at operator or owner's last known address. Such operator or owner may within ten (10) days after the serving or mailing of such notice make application in writing to the Business Manager for a hearing on the amount assessed. If application by the operator or owner for a hearing is not made within the time prescribed, the tax, interest, and penalties, if any, determined by the Business Manager shall become final and conclusive and immediately due and payable. If such application is made, the Business Manager shall give not less than five (5) days' written notice in the manner prescribed herein to the operator or owner to show cause at a hearing at a time and place fixed in said notice why said amount specified there should not be fixed for such tax, interest, and penalties. At such hearing, the operator or owner may appear and offer evidence why such specified tax, interest, and penalties should not be so fixed. After such hearing, the Business Manager shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest, and penalties. The amount determined to be due shall be payable after (15) days unless an appeal is taken as provided in paragraph (G).

(G) Any operator or owner aggrieved by any decision of the Business Manager with respect to the amount of such tax, interest, and penalties, if any, may appeal to the Mayor by filing a Notice of Appeal with the Village Clerk within (15) days of the serving or mailing of the determination of tax due. The Mayor shall fix a time and place for hearing such appeal, and the Village Clerk shall give notice in writing to such operator or owner at the last known address. The findings of the Mayor shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(H) It shall be the duty of every owner liable for the collection and payment to the Village of any tax imposed by this Chapter to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as the owner or operator may have been liable for the collection of and payment to the Village, which records the Business Manager shall have the right to inspect at all reasonable times.

3-23-5: **COLLECTION:** Whenever any person shall fail to pay any tax as herein provided, the corporation counsel shall, upon the request of the Village Business Manager, bring or cause to be brought an action to enforce the payment of said tax on behalf of the Village in any court of competent jurisdiction.

3-23-6: **PROCEEDS OF TAX AND FINES:** All proceeds resulting from the imposition of the tax under this Chapter, including penalties, shall be paid into the treasury of the Village and shall be credited to and deposited in the corporate fund of the Village.

3-23-7: **SUSPENSION OF LICENSES:** If the President of the Board of Trustees, after hearing held by the President, shall find that any person has wilfully avoided payment of the tax imposed by this Chapter, he may suspend or revoke all Village licenses held by such tax evader or may suspend any or all services provided by the Village. The owner, manager, or operator of the hotel or motel shall have an opportunity to be heard at such hearing to be held not less than five (5) days after notice of the time and place of the hearing to be held, addressed to the last known place of business. For purposes of this Section, a person wilfully avoids payment of the tax if they take any conscious and voluntary action intending not to perform any of the obligations hereunder, including, but not limited to, the utilizing of tax proceeds collected for the Village to pay any other obligations.

3-23-8: **PENALTIES:** Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this Chapter, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) for the first offense and not less than three hundred dollars (\$300.00) nor more than seven hundred fifty dollars (\$750.00) for the second and each subsequent offense in any one hundred eighty (180) day period. (amd Ord. 99-37; 12-6-99)

Repeated offenses in excess of three (3) within any one hundred eighty (180) day period may also be punishable as a misdemeanor by incarceration in the County jail for a term not to exceed six (6) months. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof.

- 3-23-9:       **PURPOSE OF PENALTIES:** The purpose of imposing the above penalties is to ensure the integrity of the collection process established pursuant to this Chapter.
- 3-23-10:       **USE OF RECEIPTS:** The amounts collected by the Village pursuant to this Chapter shall be expended by the Village solely to promote tourism and conventions within the Village or otherwise to attract nonresident overnight visitors to the Village.
- 3-23-11:       **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.



## CHAPTER 24

**DANCE HALLS**

## SECTION:

- 3-24-1: Definitions
- 3-24-2: License Required
- 3-24-3: Exemptions
- 3-24-4: Application
- 3-24-5: Fees
- 3-24-6: Investigation
- 3-24-7: Issuance
- 3-24-8: Posting
- 3-24-9: Revocation And Suspension
- 3-24-10: Restrictions On Persons Under 18
- 3-24-11: Reporting Incidents To Police; Telephone Required; Mandatory Closing
- 3-24-12: Illegal Activities On Premises
- 3-24-13: Youth Dance Restrictions
- 3-24-14: Violation And Penalty

3-24-1: **DEFINITIONS:** The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section except where the context clearly indicates that a different meaning is intended:

**DANCE HALL:** Dance hall means any room, place, building, or structure which is open to the public in general or only to private membership by admission charge, dues, fees, or other consideration, which is primarily and predominantly devoted to dancing, but not necessarily used exclusively for such purposes.

**YOUTH DANCE:** Youth dance means a designated period of dancing or related activity which is represented or advertised to be designed or dedicated predominantly to patronage by persons under the age of twenty one (21) years.

3-24-2: **LICENSE REQUIRED:**

- (A) No person, either as owner, lessee, manager, officer, or agent, or in any other capacity shall operate or permit to be operated a dance hall without having first obtained a license to do so.
- (B) No person, either as owner, lessee, manager, officer, or agent, or in any other capacity shall operate or permit to be operated on premises licensed as a dance hall, a youth dance without having first obtained a supplemental youth dance license.

3-24-3: **EXEMPTIONS:**

- (A) No dance hall license shall be required for an establishment which holds a current and valid alcoholic liquor license pursuant to Chapter 8 of this Title.
- (B) No dance hall license shall be required for an establishment which is primarily and predominantly devoted to dance instruction and held out as such with use limited to paying students.
- (C) No dance hall license shall be required for a youth dance sponsored by a public or private school for a school related activity.

3-24-4: **APPLICATION:** An application for a license or supplemental youth dance license required by this Chapter shall be made in writing to the business manager which shall set forth the following:

- (A) The name of the individual, partnership, corporation, or association applying for the license.
- (B) The residence, phone number, and driver's license number of the applicant or partners; or, if a corporation or association, the residence, phone number, and driver's license number of the officers, directors, and the principal shareholders and parties in interests.
- (C) The address and legal description of the location for which the license is requested, including a scale drawing of the premises clearly indicating all areas within or adjoining the building or structure which are to be used in connection with the dance hall activities or are accessible from it, including off-street parking.
- (D) The type of license requested.
- (E) The seating capacity and price of admission intended to be charged.
- (F) Whether the applicant, officers, partners, directors, or the principal shareholders or parties in interest of the corporation or association or the corporation or association itself have been convicted of a criminal offense or Ordinance violation (other than traffic or parking offenses) in any jurisdictions and, if so, a list of such convictions with date and prosecuting jurisdiction.
- (G) In the case of a supplemental youth dance license:
  1. The method by which age identification shall be established.
  2. The method by which security shall be provided both inside and outside of the dance hall.
  3. The method by which youth shall be supervised in and about the premises.
  4. Residence, phone number, driver's license number of all employees or persons who will be utilized to provide supervision in connection with such youth dance; excepting, however, security personnel who are licensed by the State Department of Education and Registration or who are commissioned peace officers.

3-24-5: **FEES:**

- (A) The applicant shall pay to the Business Manager, or his designee, prior to filing an application, a fee of fifty dollars (\$50.00) per year or part thereof. Should the application be denied, the license fee shall be refunded to the applicant. (Ord. 04-53, 3-7-05)
- (B) The fee for the supplemental youth dance license shall be thirty dollars (\$30.00) per night or three hundred dollars (\$300.00) per year. Any licensee holding ten (10) youth dances in any one (1) calendar year shall be deemed to have paid for a yearly supplemental youth dance license which may be issued upon approval of the application.

3-24-6: **INVESTIGATION:** Upon receipt of an application for a license, the business manager shall cause a copy of the application to be sent to the fire department, police department, and zoning department which shall report back to the business manager or his designee within fifteen (15) days whether the location for which the license is sought meets applicable Village codes and whether the applicant meets the requirement for issuance of the license requested.

3-24-7: **ISSUANCE:** Upon receipt of the report from the departments referred to in Section 3-24-6, the Business Manager shall issue the license requested unless he shall find:  
(Ord. 04-53, 3-7-05)

- (A) That the applicant is under the age of eighteen (18);
- (B) That the applicant, officers, partners, directors, or the principal shareholders or parties in interest therein have been convicted of any obscenity offense relating to an amusement-type activity, any gambling-related offense or an offense relating to the violation of the laws or Ordinances controlling the sale of alcoholic liquor;
- (C) That the operation of the amusement as proposed would not comply with all applicable laws, including but not limited to, building, health, zoning, and fire codes of the Village;
- (D) That the applicant, officers, partners, directors, or the principal shareholders or parties in interest therein have held a license or had an interest in any other Village license that was revoked for cause;
- (E) In the case of a supplemental youth dance license, that the applicant, offices, partners, directors, or the principal shareholders or parties in interest have been convicted of any offense against children or have been declared a sexually dangerous person pursuant to the laws of the State or any similar law of the United States or of any other State;
- (F) The premises for which a supplemental youth dance license is requested, including required off-street parking, is within five hundred feet (500') of any R-1, R-2, or R-3 zoning district as defined in the Zoning Ordinance of the Village or any school; or
- (G) The methods proposed for age identification, security, or supervision pursuant to Section 3-24-4(G) are insufficient.

3-24-8: **POSTING:** Every license issued under the provisions of this Chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

3-24-9: **REVOCAION AND SUSPENSION:**

- (A) Any license or supplemental youth dance license may be revoked or suspended for a period not to exceed thirty (30) days by the business manager if the business manager shall find after a hearing:
  1. That the licensee, its employees, officers, or agents, or representatives have violated any of the provisions of this Chapter, the laws of the State, or Ordinances of the Village at the licensed location;
  2. That the licensee, its officers, directors, or agents, or principal shareholders have been convicted of any offense set forth in Section 3-24-7(B) or 3-24-7(E); or
  3. The licensee has knowingly furnished false or misleading information or withheld relevant information on any application for a license required by Section 3-24-4 or any investigation into any such application.

- (B) The licensee shall be responsible for the acts of his officers or agents, servants, and employees in the operation of any licensed establishment. Prior to holding a hearing concerning the question of whether a license issued pursuant to this Chapter shall be revoked or suspended, the business manager shall give at least ten (10) days written notice to the licensee setting forth the alleged violations specifically. The licensee may present evidence at such hearing and cross-examine witnesses. In lieu of or in addition to a suspension of a supplemental license, the business manager may after a hearing impose additional operating conditions as set forth in Section 3-24-13(F).

3-24-10: **RESTRICTIONS ON PERSONS UNDER 18:** It shall be unlawful for a dance hall licensee to permit persons under the age of eighteen (18) years on the premises of a dance hall, unless accompanied by a parent or legal guardian, or unless attending a youth dance where youth dance restrictions as set forth in this Chapter are in effect.

3-24-11: **REPORTING INCIDENTS TO POLICE; TELEPHONE REQUIRED; MANDATORY CLOSING:**

- (A) Each licensee and each of his agents and employees shall promptly report to the police department of the Village any incident occurring on or about the licensed premises and in his knowledge or view relating to the commission or suspected commission of any crime, including, but not limited to, any violation of this Chapter, any violation of ordinances or laws concerning the sale, possession, or consumption of alcoholic liquor, any violation of ordinances or laws concerning the sale of controlled substances or cannabis, any violation of laws concerning the abduction or the physical or sexual abuse of children, or any fights, assaults, or batteries, and shall truthfully and fully answer all questions and investigations of any identified police officer who makes inquiry concerning any persons in or about the licensed premises, and cooperate fully in any such investigation, including the giving of any oral or written statements at such reasonable times and in such reasonable locations to any police officer engaged in such investigation.
- (B) Each licensee shall maintain on each licensed premises not less than one (1) telephone in operating order, which said phone must be easily accessible to the responsible person in charge of the premises and to other employee(s) on the premises at all times for the purpose of conveniently reporting to the police department incidents occurring on or about the licensed premises.
- (C) If a disturbance occurs on or about the licensed premises during the hours of operation which in the judgement of the Chief of Police or the ranking command officer of the Police Department on duty creates an imminent danger to lives or property, the chief or ranking command officer may, if in his professional judgement it is reasonably necessary in order to restore order and protect lives and property, order the licensed establishment to close its business for such period of time as is reasonably necessary, but not later than the next business day, and may order all patrons to leave the licensed premises immediately.

3-24-12: **ILLEGAL ACTIVITIES ON PREMISES:** No licensee or any officer, associate, member, representative, agent, or employee of such licensee shall engage in any activity or conduct or suffer or permit any other person to engage in any activity or conduct in or about the licensed premises which is prohibited by an ordinance of the Village or law of the State or the United States.

3-24-13: **YOUTH DANCE RESTRICTIONS:** During any youth dance conducted on the licensed premises, the following restrictions shall apply:

- (A) Other than parents or supervisors, no one other than youth not younger than fourteen (14) years and not older than twenty (20) years shall be allowed in the establishment.
- (B) All other provisions and requirements of this Code and the State law relating to curfew and to the operation of a licensed dance hall shall remain in effect.



- (C) The licensee shall notify the police department of any date for a youth dance at least one (1) day prior to the date of the event.
- (D) A licensee shall take all such reasonable precautions including, but not limited to, erections of acoustical or other barriers and providing supervisory or security personnel to adequately prevent the unreasonable disturbance of the peace and tranquility of the neighborhood and the free and unencumbered access of the general public to street, sidewalks, and public areas in and around the licensed premises.
- (E) All youth dances shall end no later than 11:30 P.M.
- (F) Additional written operating conditions consistent with this article may be imposed by the business manager for the supplemental license, which conditions will be deemed to be with the agreement of the licensee and made a part of the license, if such supplemental youth dance license is granted and accepted.

3-24-14: **VIOLATION AND PENALTY:** Any person, persons, partnership, firm, or corporation violating any of the provisions of this Chapter shall, upon conviction thereof, be fined in a sum of not less than one hundred dollars (\$100.00) and no more than seven hundred fifty dollars (\$750.00). (Ord. 99-55, 5-15-00)



## CHAPTER 25

**SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX**

## SECTION:

3-25-1:	Definitions
3-25-2:	Simplified Municipal Telecommunications Tax Imposed
3-25-3:	Collection Of Tax By Retailers
3-25-4:	Returns To Department
3-25-5:	Resellers
3-25-6:	Rebates
3-25-7:	Severability
3-25-8:	Effective Date

3-25-1: **DEFINITIONS:** As used in this Chapter, the following terms shall have the following meanings:

**AMOUNT PAID** The amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

**DEPARTMENT CHARGE** The Illinois Department of Revenue. The amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charge" shall not include:

1. Any amounts added to a purchaser's bill because of a charge made pursuant to:
  - a. The tax imposed by this Ordinance;
  - b. The tax imposed by the Telecommunications Excise Tax Act;
  - c. The tax imposed by Section 4251 of the Internal Revenue Code;
  - d. 911 surcharges; or
  - e. Charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.
2. Charges for a sent collect telecommunication received outside of such municipality.

3. Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment, and also includes the usage of computers under a time-sharing agreement.
4. Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are desegregated and separately identified from other charges.
5. Charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.
  6. Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.
  7. Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).
  8. Charges paid by inserting coins in coin-operated telecommunication devices.
  9. Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

INTERSTATE  
TELECOMMUNICATIONS

All telecommunications that either originate or terminate outside this State.

INTRASTATE  
TELECOMMUNICATIONS

All telecommunications that either originate or terminate within this State.

PERSON

Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State Universities created by statute, or any city, town, county, or other political subdivision of this State.

PURCHASE AT RETAIL	The acquisition, consumption, or use of telecommunications through a sale at retail.
RETAILER	Includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.
RETAILER MAINTAINING PLACE OF BUSINESS IN THIS STATE (OR ANY LIKE TERM)	Includes any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission A facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.
SALE AT RETAIL	The transmitting, supplying, or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State Universities created by statute, and other than between a parent corporation and its wholly owned subsidiaries, or between wholly owned subsidiaries for their use or consumption and not for resale.
SERVICE ADDRESS	The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.
TAXPAYER	A person who individually, or through his or her agents, employees, or permittee, engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this Chapter.

**TELECOMMUNICATIONS** In addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this ordinance, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be nontaxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupations Tax Act.

3-25-2 **SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED:** A tax is hereby imposed upon any and all the following acts or privileges:

- (A) The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer.
- (B) The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of six percent (6%) of the gross charge for such telecommunications purchased at retail from a retailer. To prevent actual multi-state taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this Section to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this State.
- (C) The tax imposed by this Ordinance is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the municipality.

3-25-3 **COLLECTION OF TAX BY RETAILERS:**

- (A) The tax authorized by this Ordinance shall be collected from the taxpayer by a retailer maintaining a place of business in this State and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this Ordinance shall constitute a debt of the taxpayer to the retailer until paid, and if unpaid, is recoverable by law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.
- (B) Whenever possible, the tax authorized by this Ordinance shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

3-25-4 **RETURNS TO DEPARTMENT:** Commencing on February 1, 2003, the tax imposed under this Ordinance on telecommunication retailers shall be returned with appropriate forms and information as required by the Department pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement this Act.

3-25-5 **RESELLERS:**

- (A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this Chapter on any of such purchases and shall furnish such additional information as the Department may reasonably require.
- (B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.
- (C) Except as provided hereinabove in this Section, the act or privilege of originating or receiving telecommunications in this State shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

3-25-6 **REBATES:** The tax authorized by this Ordinance and whose territory includes part of another unit of local government or a school district, may, by separate ordinance, rebate some or all of the amount of such tax paid by the other unit of local government or school district.

3-25-7 **SEVERABILITY:** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

3-25-8 **EFFECTIVE DATE:** This Ordinance shall take effect on January 1, 2003. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to October 1, 2002. (Ord. 02-13, 8-19-02)





## CHAPTER 26

**MUNICIPAL TELECOMMUNICATION TAX REBATES**

## SECTION:

- 3-26-1: Eligible Units
- 3-26-2: Rate of Rebate
- 3-26-3: Application
- 3-26-4: Processing

3-26-1:     **ELIGIBLE UNITS:** The Morton Park District, Morton Township, Morton Library District, and Unit School District 709 shall be entitled to a rebate for all telecommunication taxes collected by the Village of Morton subsequent to January 1, 2003.

3-26-2:     **RATE OF REBATE:** Rebate amount is 100% of taxes paid.

3-26-3:     **APPLICATION:** Eligible units shall make application to the Village of Morton c/o its Business Manager for all telecommunication tax it paid for the preceding year, by March 31 of the following year. The unit of government shall make the application on such forms as required by the Business Manager and provide such information as the Business Manager requests.

3-26-4:     **PROCESSING:** The Business Manager will review the application and the Village will rebate to the eligible unit, as soon as reasonably practical, the amount determined by the Business Manager to be rebated. (Ord 03-42, 3-15-04)



## CHAPTER 27

**CABLE/VIDEO SERVICE PROVIDER FEE**

## SECTION:

- 3-27-1: Definitions
- 3-27-2: Cable/Video Service Provider Fee Imposed
- 3-27-3: Applicable Principles
- 3-27-4: No Impact On Other Taxes Due From Holder
- 3-27-5: Audits Of Cable/Video Service Provider
- 3-27-6: Late Fees/Payments
- 3-27-7: Severability

3-27-1: **DEFINITIONS:** As used in this Chapter, the following terms shall have the following meanings:

**CABLE SERVICE:** As defined in 47 U.S.C. §522(6).

**COMMISSION:** Illinois Commerce Commission.

**GROSS REVENUES:** All consideration of any kind or nature, including, without limitation, cash, credits, property, and in-kind contributions received by the holder for the operation of a cable or video system to provide cable service or video service within the holder's cable service or video service area within the Village of Morton.

1. Gross revenues shall include the following:

- (a) Recurring charges for cable or video service.
- (b) Event-based charges for cable service or video service, including, but not limited to, pay-per-view and video-on-demand charges.
- (c) Rental of set-top boxes and other cable service or video service equipment.
- (d) Service charges related to the provision of cable service or video service, including, but not limited to, activation, installation, and repair charges.
- (e) Administrative charges related to the provision of cable service or video service, including, but not limited to, service order and service termination charges.
- (f) Late payment fees or charges, insufficient funds check charges, and other charges assessed to recover the costs of collecting delinquent payments.
- (g) A pro rata portion of all revenue derived by the holder or its affiliates, pursuant to compensation arrangements for advertising or for promotion or exhibition of any products or services derived from the operation of the holder's network to provide cable service or video service within the Village of Morton. The allocation shall be based on the number of subscribers in the Village of Morton divided by the total number of subscribers in relation to the relevant regional or national compensation arrangement.

- (h) Compensation received by the holder derived from the operation of the holder's network to provide cable service or video service, with respect to commissions that are received by the holder as compensation for promotion or exhibition of any products or services on the holder's network, such as a "home shopping" or similar channel, subject to subsection (i).
- (i) In the case of a cable service or video service that is bundled or integrated functionally with other services, capabilities, or applications, the portion of the holder's revenue attributable to the other services, capabilities, or applications shall be included in the gross revenue, unless the holder can reasonably identify the division or exclusion of the revenue from its books and records that are kept in the regular course of business.
- (j) The service provider fee permitted by 220 ILCS 5/21-801(b).

2 Gross revenues do not include the following:

- (a) Revenues not actually received, even if billed, such as bad debt, subject to 220 ILCS 5/21-801(c)(1)(vi).
- (b) Refunds, discounts, or other price adjustments that reduce the amount of gross revenues received by the holder of the State-issued authorization to the extent the refund, rebate, credit, or discount is attributable to cable service or video service.
- (c) Regardless of whether the services are bundled, packaged, or functionally integrated with cable service or video service, any revenues received from services not classified as cable service or video service, including, without limitation, revenue received from telecommunication services, information services, or the provision of directory or Internet advertising, including yellow pages, white pages, banner advertisement, and electronic publishing, or any other revenues attributed by the holder to noncable service or nonvideo service, in accordance with the holder's books and records kept in the regular course of business and any applicable laws, rules, regulations, standards, or orders.
- (d) The sale of cable services or video services for resale, in which the purchaser is required to collect the service provider fee from the purchaser's subscribers, to the extent the purchaser certifies in writing it will resell the service within the Village of Morton and pay the fee permitted by 220 ILCS 5/21-801(b) with respect to the service.
- (e) Any tax or fee of general applicability imposed upon the subscribers or the transaction by a city, State, federal, or any other governmental entity and collected by the holder of the State-issued authorization, and required to be remitted to the taxing entity, including sales and use taxes.
- (f) Security deposits collected from subscribers.
- (g) Amounts paid by subscribers to "home shopping" or similar vendors for merchandise sold through any home shopping channel offered as part of the cable service or video service.

3. Revenue of an affiliate of a holder shall be included in the calculation of gross revenues to the extent the treatment of the revenue as revenue of the affiliate rather than the holder has the effect of evading the payment of the fee permitted by 220 ILCS 5/21-801(b) which would otherwise be paid by the cable service or video service.

- HOLDER:** A person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.
- SERVICE:** The provision of “cable service” or “video service” to subscribers, and the interaction of subscribers with the person or entity that has received authorization to offer or provide cable or video service from the Commission pursuant to 220 ILCS 5/21-401.
- SERVICE PROVIDER FEE:** The amount paid under this Chapter and 220 ILCS 5/21-801 by the holder to the Village of Morton for the service areas within its territorial jurisdiction.
- VIDEO SERVICE:** Video programming and subscriber interaction, if any, that is required for the selection or use of such video programming services, and which is provided through wireline facilities located at least in part in the public right-of-way, without regard to delivery technology, including Internet protocol technology. This definition does not include any video programming provided by a commercial mobile service provider defined in 47 U.S.C. §332(d), or any video programming provided solely as part of, and via, service that enables users to access content, information, electronic mail, or other services offered over the public Internet.

**3-27-2: CABLE/VIDEO SERVICE PROVIDER FEE IMPOSED:**

- (A) **Fee Imposed:** A fee is hereby imposed on any holder providing cable service or video service in the Village of Morton.
- (B) **Amount of Fee:** The amount of the fee imposed hereby shall be five percent (5%) of the holder’s gross revenues.
- (C) **Notice to the Village:** The holder shall notify the Village of Morton at least ten (10) days prior to the date on which the holder begins to offer cable service or video service in the Village of Morton.
- (D) **Holder’s Liability:** The holder shall be liable for and pay the service provider fee to the Village of Morton. The holder’s liability for the fee shall commence on the first day of the calendar month following thirty (30) days after receipt of the ordinance adopting this Chapter by the holder. The ordinance adopting this Chapter shall be sent by mail, postage prepaid, to the address listed on the holder’s application notice sent pursuant to 220 ILCS 5/21-401(b)(6) to the Village of Morton.
- (E) **Payment Date:** The payment of the service provider fee shall be due on a quarterly basis, forty-five (45) days after the close of the calendar quarter. If mailed, the fee is considered paid on the date postmarked. Each payment shall include a statement explaining the basis for the calculation of the fee.
- (F) **Exemption:** The fee hereby imposed does not apply to existing cable service or video service providers that have an existing franchise agreement with the Village of Morton in which a fee is paid.
- (G) **Credit for Other Payments:** An incumbent cable operator that elects to terminate an existing agreement pursuant to 220 ILCS 5/21-301(c), with credit for prepaid franchise fees under that agreement, may deduct the amount of such credit from the fees that operator owes under Section 3-27-2-(B).

- 3-27-3 APPLICABLE PRINCIPLES:** All determinations and calculations under this Chapter shall be made pursuant to generally accepted accounting principles.

3-27-4 **NO IMPACT ON OTHER TAXES DUE FROM HOLDER:** Nothing contained in this Chapter shall be construed to exempt a holder from any tax that is or may later be imposed by the Village of Morton, including any tax that is or may later be required to be paid by or through the holder with respect to cable service or video service. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the Village of Morton's simplified municipal telecommunications tax or any other tax as it applies to any telephone service provided by the holder. A state-issued authorization shall not affect any requirement of the holder with respect to payment of the local unit of government's 911 or E911 fees, taxes, or charges.

3-27-5 **AUDITS OF CABLE/VIDEO SERVICE PROVIDER:**

(A) **Audit Requirement:** The Village of Morton will notify the holder of the requirements imposed on other cable service or video service providers to submit to an audit of its books and records. The holder shall comply with the same requirements the Village of Morton imposes on other cable service or video service providers in its jurisdiction to audit the holder's books and records, and to recompute any amounts determined to be payable under the requirements of the Village of Morton. If all local franchises between the Village of Morton and a cable operator terminate, the audit requirements shall be those adopted by the Village of Morton pursuant to the Local Government Taxpayers' Bill of Rights Act (50 ILCS 45/1 et seq.). No acceptance of amounts remitted should be construed as an accord that the amounts are correct.

(B) **Additional Payments:** Any additional amount due after an audit shall be paid within thirty (30) days after the Village of Morton's submission of an invoice for the sum.

3-27-6 **LATE FEES/PAYMENTS:** All fees due and payments which are past due shall be governed by ordinances adopted by the Village of Morton pursuant to the Local Government Taxpayers' Bill of Rights Act (50 ILCS 45/1 et seq.).

3-27-7 **SEVERABILITY:** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or unvalid provision, or application of such provision, is severable, unless otherwise provided by this Chapter.

(Ord. 07-54, 1-21-08)

CHAPTER 28  
TAX ON SALE OF GAS

SECTION:

- 3-28-1: Gas Tax
- 3-28-2: Implementation of Franchise Fee

3-28-1: **GAS TAX:** There is hereby imposed a tax of five percent (5%) of the gross receipts on any person, firm, corporation, or legal entity engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the Village. (Ord. 08-41, 3-16-09)

3-28-2: **IMPLEMENTATION OF FRANCHISE FEE:** All utilities operating within the Village of Morton will pay a franchise fee of five percent (5%) of gross revenues to the Morton General Fund for the privilege of using public right of ways, easements, and streets to conduct their business, unless otherwise prohibited by law. (Ord. 08-45, 4-6-09)





**TITLE 4**  
**BUILDING REGULATIONS**

Subject	Chapter
Building Code And Building Permits .....	1
Plumbing Code And Inspections .....	2
Housing Code .....	3
Electrical Code .....	4
Demolition Standards .....	5
Floodplain Regulation and Flood Damage Prevention .	6
Property Maintenance Code .....	7
Violations .....	8



## CHAPTER 1

**BUILDING CODE AND BUILDING PERMITS**

## SECTION:

- 4-1-1: Adoption Of Building Code
- 4-1-2: Permits
- 4-1-3: Fees
- 4-1-4: Issuance Of A Building Permit
- 4-1-5: Revocation
- 4-1-6: Completion Of Work
- 4-1-7: Extension Of Time To Complete Work
- 4-1-8: Contractor Or Third Party Responsibility
- 4-1-9: Certification Of Completion Of Construction
- 4-1-10: Violation Of Building Permit, Site Plan, Or Ordinance
- 4-1-11: Inspections

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

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

1. In Section (R)-101.1 "Village of Morton" is inserted in place of [Name of Jurisdiction]; and
2. In Section (R)-301.2(1) [appropriate design criteria] shall be as specified in the charts and tables contained in that section, and
3. Chapter 25 is not adopted and shall not apply to residential structures within the Village of Morton.
4. Appendix Chapters A, B, C, E and G are hereby adopted as a part of the International Residential Code.
5. Any and all automatic fire sprinkler provisions set forth in the International Residential Code are not adopted and shall not apply to residential structures within the Village of Morton.

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

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

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

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

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

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

(B) **Certificate Of Occupancy:**

1. No land shall be occupied or used and no building hereafter erected, altered, or extended shall be used or changed in use until a certificate of occupancy shall have been issued by unanimous action of the Zoning Enforcing Officer, Superintendent of Public Works and Flood Plain Administrator.

2. All certificates of occupancy shall be applied for coincident with the application for a building permit, and said certificate shall be issued within three (3) days after the construction or alteration shall have been approved.
3. The Zoning Enforcing Officer shall maintain a record of all certificates.
4. If a building is occupied before a certificate of occupancy is issued, the owner of the building shall be subject to a minimum fine of two hundred fifty dollars (\$250.00) up to a maximum fine of seven hundred fifty dollars (\$750.00) for each and every day the building is occupied without a certificate of occupancy.

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

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

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

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

5. A temporary certificate of occupancy shall not be issued unless the applicant demonstrates by clear and convincing evidence (a) construction is substantially completed; (b) the structure is safe for occupancy; and (c) by no fault of the builder or the applicant, despite reasonable and diligent efforts, it is impossible to achieve final completion of construction. The award of a temporary certificate of occupancy shall be at the sole and exclusive discretion of the Zoning Enforcement Officer, Superintendent of Public Works, and Flood Plain Administrator. The unanimous approval of the Zoning Enforcement Officer, Superintendent of Public Works, and Flood Plain Administrator shall be required for a temporary certificate of occupancy to issue. At the time the temporary certificate of occupancy is issued, the Zoning Enforcement Officer shall issue to the applicant a list of conditions that must be satisfied for a certificate of occupancy to issue upon the expiration of the temporary certificate of occupancy. Reasonable conditions may be imposed upon the issuance or effectiveness of the temporary certificate of occupancy. If any condition of the temporary certificate of occupancy is violated prior to the expiration of the temporary certificate of occupancy, the Zoning Enforcement Officer may revoke the temporary certificate of occupancy.

In order to obtain a temporary Certificate of Occupancy, the owner or builder must make a deposit in the Zoning Office. The required deposit is five thousand dollars (\$5,000.00) for residential (R-1 and R-2) and ten thousand dollars (\$10,000.00) for a multi-family (R-3 and R-4) project, or for a commercial or industrial project. If the required conditions are not satisfied by the expiration of the temporary certificate of occupancy, the deposit will be forfeited, and a notice of violation will be issued for a violation of the provisions of paragraph 4 of this section. (Ord. 06-35, 12-4-06; amd. Ord. 08-34, 3-16-09; amd. Ord. 19-08, 8-6-18)

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

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

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

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

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

For purposes of this Section, construction shall include excavation, site work, or any other work wherein a building permit is required by this Code. The provisions of this Section shall be in addition to the penalties set forth in Section 4-8-1 of this Title.

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

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

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

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

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

Said fee shall be as follows:

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

3. Two hundred seventy-five dollars (\$275) for fire detection and alarm systems plan review, inspection and code enforcement, when such a system is required by code or is otherwise to be installed.
4. Three hundred dollars (\$300) for site plan review. (amd. Ord. 08-02, 5-5-08)

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

1. One (1) and two (2) family dwellings, residential garages and storage buildings.
  2. Accessory buildings as defined by Village ordinance.
  3. School buildings.
  4. Buildings that are regulated by State Law and are inspected by the Office of the State Fire Marshall, which may include, but is not limited to day care facilities.
  5. Buildings used exclusively for agriculture or farm storage use.
  6. Buildings that are not designed to be and are rarely occupied by people, as may be determined by the Director of Fire and Emergency Services. It should be made clear that the intent of this exemption is to exclude, but is not limited to, buildings such as those that are erected only for the purpose of housing or protecting mechanical, electrical, or pump equipment and the like, and are only occupied during maintenance of such equipment. (Ord. 04-07, 06-21-04)
- (D) In addition to the above fees, plans that require more than two (2) reviews shall be billed at a reasonable hourly charge as may be established by, and paid directly to the party the Village has contracted with to perform such review. (Ord. 04-07, 06-21-04)
- (E) In addition to the above fees, there shall be due and owing to the Village of Morton a building inspection fee for building code inspections conducted by the Village of Morton or its agent or authorized representative. The building inspection fee for single family residential construction shall be calculated at a rate of \$0.25 per finished square foot, excluding garage or basement area. The building inspection fee for commercial, industrial or multi-family residential construction shall be calculated at a rate of \$2.00 per \$1,000.00 of construction costs for the first \$1,000,000.00 in construction costs and thereafter \$1.00 per \$1,000.00 of construction costs. The applicant for a building permit shall be required to produce to the Village of Morton verification deemed satisfactory to the Village of Morton of the construction costs, such as a copy of the bid documents or a copy of the general contractor's contract. (Ord. 16-11, 11-21-16; amd. Ord. 17-17, 8-7-17)

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

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

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

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

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

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

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

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

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

- (A) Application to extend the permit is made at least seven (7) days prior to the original expiration date. (amd. Ord. 04-58, 4-4-05)  
The Zoning Office shall have ten (10) days to review the extension request.
- (B) The permit applicant or its agents or lessees are not occupying a building or structure which has not been completed per the building permit.
- (C) The permit applicant or its agents or lessees are not using any portion of the property which has not been improved as required by the building permit.
- (D) If the applicant desires to renew the permit for a period of less than six (6) months, the zoning office may issue same and in such case the permit fee shall be based on the value of the work to be completed, based on the schedule set forth in Title 4, Chapter 1, Section 3(A). (amd. Ord. 04-58, 4-4-05)



- (E) If the work cannot be completed within six (6) months, then such application shall be made to the President and Board of Trustees who shall review same and determine whether there is just cause to allow a period greater than six (6) months and, if so, the length of time the permit will be extended. The renewal fee shall be based on the value of the work to be completed based on the schedule set forth in Title 4, Chapter 1, Section 3(A). (amd. Ord. 04-58, 4-4-05)
- (F) An applicant may request the extension of a permit one time only, and the maximum extension shall be a period of three hundred sixty (360) days. (Ord. 96-30, 10-21-96)

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

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

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

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

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

4-1-11: **INSPECTIONS:** In addition to other inspections required under this Chapter, the following listed inspections are required to be made. The owner or contractor shall request the designated inspection not less than 48 hours in advance of the time when such inspection is to be made. Safe access for the purpose of completing the inspection shall be provided by the contractor or the owner.

- (A) **Stake Out:** A stake out inspection of the site shall be made prior to any earth work for the purpose of verifying the location of the improvements. At the stake out inspection, the contractor or owner shall be required to identify for the inspector the location of all lot pins. The owner or the contractor shall further be required to demonstrate for the inspector that the location of the proposed improvements is consistent with the site plan and satisfies all required setbacks of the Village of Morton.
- (B) **Footing:** An inspection of the footings or piers shall be made after any required forms are erected and any required reinforcing steel is in its final position and prior to placing concrete. Upon the request of the inspector, the owner or contractor shall be required to demonstrate that the location of the footing is consistent with the site plan and may include but not be limited to verifying the elevation of the footing and verifying the proximity of the footing to all lot lines.
- (C) **Foundation:** An inspection of the foundation shall be made prior to the concrete placement and after required forms are erected and any required reinforcement steel is in its final position. Upon the request of the inspector, the owner or contractor shall be required to demonstrate that the location of the foundation is consistent with the site plan and may include but not be limited to verifying the elevation of the foundation and verifying the proximity of the foundation to all lot lines. (Ord. 19-14, 9-4-18)



## CHAPTER 2

**PLUMBING CODE AND INSPECTIONS**

## SECTION:

- 4-2-1: Adoption Of Plumbing Codes
- 4-2-2: Inspections
- 4-2-3: Duty To Request
- 4-2-4: Permit Required
- 4-2-5: Cancellations/Re-Inspection Fee
- 4-2-6: Responsible Parties
- 4-2-7: Failure To Obtain Permit

4-2-1: **ADOPTION OF PLUMBING CODES:** The current Edition of the Illinois Plumbing Code, and any subsequent editions or amendments thereto, as published by the Illinois Department of Public Health, is hereby adopted for the purpose of establishing minimum standards of design, materials, and workmanship for all water and sewer plumbing hereafter installed, altered, or repaired, and to establish methods of procedure within the limits of the Village. The current edition, and all subsequent editions or amendments thereto, of the American National Standard "National Fuel Gas Code", also identified by National Fire Protection Association #54 and ANSI Z223.1, is hereby adopted for the purpose of establishing minimum standards of design, materials, and workmanship for all gas plumbing hereafter installed, altered, or repaired, and to establish methods of procedure within the limits of the Village. A copy of each is on file in the office of the Village Clerk, and the same are hereby incorporated as fully as if set out at length herein, with the provisions thereof controlling in the installation, alteration, or repair of all plumbing. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94)

4-2-2: **INSPECTIONS:** All new construction, building additions, and remodeling may require three (3) inspections. The first inspection shall be of the underground and is required before concrete is poured or piping is graded over. The second inspection is of the rough plumbing and shall be done prior to insulation. The third inspection is the final and shall be accomplished after all fixtures are set. (Ord. 06-39, 2-19-07; amd. Ord. 12-25, 2-4-13)

4-2-3: **DUTY TO REQUEST:** It is the responsibility of the owner or his contractor to request all inspections. Inspections shall be requested by notifying the zoning department during normal business hours and notification must be a minimum of twenty four (24) hours in advance of the needed inspection. The inspection shall take place as soon thereafter as reasonably possible. (Ord. 06-39, 2-19-07)

4-2-4: **PERMIT REQUIRED:** Alterations or modifications to existing plumbing will require a permit and inspection if anything is being moved any distance. No permit or inspection will be required if the contractor is only resetting fixtures back to their exact location. All plumbing permits will be in effect for no more than eighteen (18) months or until a final inspection has been completed. Plumbing permits shall be non-assignable. (amd. Ord. 12-25, 2-4-13)

The following are the plumbing inspection fees:

<u>NEW CONTRUCTION</u>	<u>ADDITIONS/REMODELS</u>
Base charge . . . . . \$55.00	Base charge . . . . . \$75.00
Fixture, each @ . . . . \$15.00	Fixture, each @ . . . . . \$25.00
Sprinkler (Fire) . . . . \$100.00	
Sprinkler (Lawn)	
per head . . . . . \$ 4.00	<u>MOBILE HOMES</u>
Minimum . . . . . \$55.00	Base charge . . . . . \$100.00

(Ord. 06-39, 2-19-07; amd. Ord. 07-55, 1-21-08; amd. Ord. 10-15, 8-16-10; amd. Ord. 11-03, 5-2-11; amd. Ord. 19-11, 9-4-18)

4-2-5: **CANCELLATIONS/RE-INSPECTION FEE:** If a scheduled inspection is to be cancelled, the owner of the property or the contractor must contact the zoning department at least two (2) hours prior to the scheduled inspection time. All inspections not cancelled at least two (2) hours before the scheduled inspection time shall be charged a re-inspection fee.

The re-inspection fee shall be as follows:

1st re-inspection request . . . . .	\$ 50.00
2nd re-inspection request . . . . .	\$ 75.00
3rd re-inspection request . . . . .	\$100.00
4th re-inspection request . . . . .	\$125.00

(Ord. 06-39, 2-19-07)

4-2-6: **RESPONSIBLE PARTIES:** The owner of the property, the tenant of a property having plumbing work done, and the contractor shall all be jointly and severably responsible for compliance with all provisions of this chapter. (Ord. 06-39, 2-19-07)

4-2-7: **FAILURE TO OBTAIN PERMIT:** If a person commences plumbing work without obtaining a permit when one is required, such person shall pay twice the fee. (Ord. 12-25, 2-4-13)

CHAPTER 3  
**HOUSING CODE**

SECTION:

4-3-1: Adoption Of Uniform Housing Code

4-3-1: **ADOPTION OF UNIFORM HOUSING CODE:** The 1994 Edition of the Uniform Housing Code, and any subsequent editions or amendments thereto, copyrighted by the International Conference of Building Officials, a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, and location and maintenance of buildings and structures. The same is hereby incorporated as fully as if set out at length herein, and the provisions thereof shall be controlling in the construction of all buildings and structures. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94)



CHAPTER 4  
ELECTRICAL CODE

SECTION:

- 4-4-1: Adoption Of National Electrical Code
- 4-4-2: Permit Required
- 4-4-3: Permits
- 4-4-4: Scheduling Inspections
- 4-4-5: Re-Inspection Fee
- 4-4-6: Certifications
- 4-4-7: Failure To Obtain A Permit

4-4-1: **ADOPTION OF NATIONAL ELECTRICAL CODE:** The 2014 National Electrical Code, and any subsequent editions or amendments thereto, copyrighted by the National Fire Protection Association, a copy of which is on file in the office of the Village Clerk, is hereby adopted for the purpose of establishing rules and regulations for the installation of all electrical wiring, installation of electrical fixtures, apparatus, or electrical appliances for furnishing light, heat, or power, or other electrical work introduced into or placed in or upon, or in any way connected to, any building or structure within the Village. The same is hereby incorporated as fully as if set out at length herein. All amendments and new or revised editions shall be effective sixty (60) days after the Village publishes a notice indicating that such amendments or new or revised editions have been placed on file at the office of the Village Clerk. Until such date, the prior editions shall remain in effect. (Ord. 90-37, 4-15-91; amd. Ord. 94-24, 11-21-94; amd. Ord. 08-26, 12-1-08; amd. Ord. 14-05, 5-19-14)

4-4-2: **PERMIT REQUIRED:** Any electrical job in excess of one thousand dollars (\$1,000.00), or any increase in the electrical service, will require a permit and appropriate inspections. (Ord. 08-26, 12-1-08; amd. Ord. 08-40, 3-16-09)

4-4-3: **PERMITS:**

(A)	Residential Permits:	<u>Fee</u>
	Single Family Home:	\$400
	Duplex:	\$800
	Multi-family (more than 2 units):	\$800, plus \$50 per unit over two units
	Additions; Remodel Projects:	\$200
	Service Panel Change Out/Generator:	\$100
	Lighting Retro Fit	\$100
	Solar/Renewable Energy System	\$100

(B) Commercial/Industrial Permits:

Based on Cost of Electrical for New Construction & Remodel Valuation	<u>Fee</u>
\$1,001 - \$2,500	\$100
\$2,501 - \$10,000	\$250
\$10,001 - \$15,000	\$350
\$15,001 - \$20,000	\$500
Over \$20,000	\$500 plus \$2 per \$1,000 over \$20,000 (rounded to nearest \$1,000)
Signs	\$100
Service Panel Change Out	\$100
Lighting Retro Fit	\$100
Solar/Renewable Energy System	\$100

In the event any work is started prior to the time a permit is obtained, the permit fee shall be doubled. All electrical permits will be in effect for no more than 18 months or until a final inspection has been completed. Electrical permits shall be non-assignable. (Ord. 08-26, 12-1-08; amd. Ord. 08-40, 3-16-09; amd. Ord. 09-39, 1-4-10; amd. Ord. 10-02, 5-17-10; amd. Ord. 11-04, 5-2-11; amd. Ord. 13-02, 6-3-13; amd. Ord. 19-04, 6-18-18; amd. Ord. 19-12, 9-4-18)

4-4-4: **SCHEDULING INSPECTIONS:** If a scheduled inspection is to be cancelled, the owner of the property or the contractor must contact the zoning department at least two (2) hours prior to the scheduled inspection time. All inspections not cancelled at least two (2) hours before the scheduled time shall be charged a re-inspection fee.

It is the responsibility of the owner or his contractor to request all inspections. Inspections shall be requested by notifying the zoning department during normal business hours and notification must be a minimum of twenty four (24) hours in advance of the needed inspection except for the final inspection which requires a forty eight (48) hours advanced notice. (Ord. 08-26, 12-1-08)

4-4-5: **RE-INSPECTION FEE:** In the event any re-inspections are needed the following fees shall apply:

1st re-inspection	\$50
2nd re-inspection	\$75
3rd re-inspection	\$100
4th re-inspection	\$125

(Ord. 08-26, 12-1-08)

4-4-6: **CERTIFICATIONS:** No electrician shall install any electrical equipment, systems, components, or materials without first having obtained a certificate of registration to do so from the Village of Morton, Tazewell County, Illinois.

A certificate of registration is not required for residential work provided the work is being done solely by the owner of the subject property. All electrical equipment must be installed in compliance with the National Electrical Code.



In order to obtain a certificate of registration to install electrical equipment as provided above, an electrician shall submit evidence of the following to the Zoning and Enforcing Officer:

1. A current license issued by any of the following communities:
  - a. Peoria, IL
  - b. Bloomington, IL
  - c. Springfield, IL
  - d. Decatur, IL
  - e. Pekin, IL
  - f. Ottawa, IL
  - g. Joliet, IL
  - h. any other Illinois testing community upon verification by the Zoning and Enforcing Officer; or
2. Evidence of successful completion of a test administered by any of the communities listed in subdivision (1) of this paragraph, or a national fire protection association test pertaining to the National Electrical Code and knowledge thereof.

Upon presentation by an electrician of satisfactory evidence of either of the items listed in (1) or paragraph (2) above, the Zoning and Enforcing Officer shall issue an electrical certification of registration to such an electrician. The electrical certification shall cost one hundred dollars (\$100) per year and shall be issued on a calendar year basis. No electrical work may be done without an electrical certification. (Ord. 08-26, 12-1-08, amd. Ord. 09-31, 11-16-09)

4-4-7: **FAILURE TO OBTAIN A PERMIT:** If a person commences electrical work without obtaining a permit when required, such person shall pay twice the fee required to obtain the electrical permit. (Ord. 17-25, 11-6-17)



CHAPTER 5  
DEMOLITION STANDARDS

## SECTION:

- 4-5-1: Purpose and Scope
- 4-5-2: Definitions
- 4-5-3: Permit Required; Fee
- 4-5-4: Timeframe for Demolition
- 4-5-5: Application to Existing Demolition Sites
- 4-5-6: Unsafe Demolition Sites
- 4-5-7: Securing Premises During Demolition
- 4-5-8: Certificate of Occupancy
- 4-5-9: Bond Required/Release of Bond
- 4-5-10: Demolition Standards
- 4-5-11: Inspections

4-5-1: **PURPOSE AND SCOPE:** The purpose of this Chapter is to establish additional regulations to supplement the regulations contained in the International Building Code to provide for the demolition of structures within the Village of Morton.

4-5-2: **DEFINITIONS:** Unless context otherwise provides words and phrases used in this Chapter shall be construed according to the definition set forth herein:

Demolition: The deconstructing, destroying, decimating, razing, ruining, tearing down, or wrecking of any facility, structure, pavement, or building whether in whole or in part, whether interior or exterior.

4-5-3: **PERMIT REQUIRED; FEE:** No demolitions shall occur within the Village of Morton unless a demolition permit has been issued by the Village of Morton. The fee for a demolition permit shall be one hundred dollars (\$100.00) for any property located in the R1 and R2 zoning district, and two hundred fifty dollars (\$250.00) for property in any other zoning district. All holders of a demolition permit shall be required to comply with all requirements of the International Building Code which pertain to demolition including but not limited to those provisions set forth in Chapter 33, and all provisions of this chapter.

4-5-4: **TIMEFRAME FOR DEMOLITION:** Demolition shall commence within thirty (30) days from the issuance of the permit and shall be completed within sixty (60) days of the issuance of the permit. Extensions to these deadlines may be granted by the SPW in his sole discretion for good cause shown.

Failure to begin work within a period of thirty (30) days shall be cause for the revocation of the permit. Failure to complete the demolition work within a period of sixty (60) days or any extension thereof shall subject the owner of the property to penalties as provided in this Title.

4-5-5: **APPLICATION TO EXISTING DEMOLITION SITES:** Any demolition which occurs prior to October 1, 2018, shall not require a permit, but the site of such demolition shall be restored in a method and manner, and to a condition which complies with the provisions of Section 4-5-10 of this Chapter not later than October 1, 2019.

4-5-6: **UNSAFE DEMOLITION SITES:** In the event that any demolition site is left in a condition which violates any provision of this Chapter, the Village shall give notice of the condition or conditions which it deems unsafe to the owner or demolition permit applicant of said premises, specifying the deficiencies and ordering the same to be rectified within a period of three (3) days after service of said notice by third party commercial courier or by certified mail. Should the deficiencies not be corrected within a period of three (3) days as aforesaid, the Village shall cause the same to be put in safe condition and may further pursue any other rights and remedies reserved to the Village pursuant to this Title.

4-5-7: **SECURING PREMISES DURING DEMOLITION:** Once demolition work begins all work shall be completed and all debris shall be removed from the site as soon as possible. If the debris cannot be removed from the site the same day, "no trespassing" signs shall be posted and a barrier shall be installed around the debris. If the demolition of the structure cannot be completed on the day in which demolition commences, then a forty-eight (48) inch high fence with openings less than four (4) inches in size shall be installed around the demolition site.

4-5-8: **CERTIFICATE OF OCCUPANCY:** Any existing Certificate of Occupancy for a structure shall terminate upon the issuance of a Demolition Permit which provides for and authorizes the demolition of said structure. No new Certificate of Occupancy shall issue to any parcel or improvement constructed on such parcel after a demolition permit is issued unless and until all requirements of this Chapter have been met.

4-5-9: **BOND REQUIRED/RELEASE OF BOND:** Prior to the issuance of a permit, the applicant shall furnish to the Village of Morton a bond equal to the contract cost of demolition. All such bonds shall be submitted to the Village for approval as to form. Any person, firm or corporation normally engaged in the demolition of buildings may provide an annual bond to the Village of Morton in the amount of one million dollars (\$1,000,000.00) which shall cover all demolition bonds heretofore required. A copy of an Insurance Certificate naming the Village of Morton as additional insured and indicating the street address of the project must be attached to the demolition permit application. The policy limitations must be one million general liability and one million automobile liability. Statutory worker's compensation coverage must also be provided.

4-5-10: **DEMOLITION STANDARDS:** All demolitions completed pursuant to a permit issued under this Chapter shall comply with the following standards:

- (A) No structure shall be removed from the premises in whole or substantially whole condition. All buildings shall be demolished on the premises.
- (B) The sewer lateral and storm lateral, if one exists, shall be exposed and properly capped at the lot line or at a location designated by the SPW or his designee or assignee. Backfilling shall not be done until the capping of the storm lateral and sewer lateral is inspected and approved by the Village.
- (C) All structures and their foundation shall be completely razed to a level of two (2) feet below the ground surface or grade line and removed from the site. Razing shall include but is not limited to all posts, piers, walls, basement partitions, sheds, steps, thresholds, paved areas and all other above ground items. The concrete floor shall be broken and foundation walls removed two (2) feet below grade.
- (D) All basements and cellars or other areas below grade shall be filled and compacted to grade only with sound approved solid fill of sand, gravel and dirt. Brick, stone, mortar, plaster or concrete removed from the demolished structures may be used if it is arranged not to form or collect surface or subsurface water. Masonry fragments used as fill shall not be over twenty-four (24) inches in greatest dimension. No decomposable organic material or wood, glass, paper, piping, steel or other metal material or any unstable or combustible material shall be used in making fills.

- (E) All masonry and concrete such as private sidewalks, parking lots, driveways, driveway aprons, concrete slabs or retaining walls shall be removed unless such removable will create a hazardous condition or unless the Village has expressly authorized an alternative arrangement in writing.
- (F) Wood partitions, stairways, furnaces, piping, and other equipment, rubbish and debris located in basements or elsewhere on the property shall be removed from the site.
- (G) Any damage to public sidewalks or public roads or any part of the street right-of-way caused by demolition shall be repaired or replaced.
- (H) The lot shall be filled, compacted and graded to the prevailing surrounding property and sidewalk grades, and shall be seeded to grass.
- (I) The final fill shall be at least two (2) inches of sandy loam, dirt or topsoil containing no brick, mortar or concrete pieces larger than two (2) inches.
- (J) All debris generated by demolition within the Village of Morton shall be disposed of in an approved, licensed landfill or at an approved hazardous material disposal site.

4-5-11: **INSPECTIONS:** SPW or his designee shall complete the following inspections:

- (A) **PROGRESS INSPECTIONS:** A progress inspection will be done to check the following items:
  1. **SEWER AND STORM LATERALS:** The sewer lateral and storm lateral, if one exists, shall be exposed and properly capped at the lot line or at a location designated by the inspector.
  2. **BASEMENT/FLOOR AND FOUNDATION:** Following the removal of the structures (above grade) a progress inspection must be done before the basement can be backfilled.
- (B) **FINAL (POST DEMOLITION INSPECTION):** The final inspection shall be completed at the request of the demolition permit holder. The inspection shall confirm that demolition has been completed in accordance with the requirements the demolition permit and the requirements of the Village Code.



## CHAPTER 6

**FLOODPLAIN REGULATION AND FLOOD DAMAGE PREVENTION**

## SECTION:

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

4-6-1: **PURPOSE:** This Chapter is enacted pursuant to the police powers granted to this Village by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2) in order to accomplish the following purposes:

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

4-6-2: **DEFINITIONS:** For the purposes of this Chapter, the following definitions are adopted:

**Base Flood:** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in section 4-6-3 of this Chapter.

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

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

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

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

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

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

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

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

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

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

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

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



FEMA: Federal Emergency Management Agency

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

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

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

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

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

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

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

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

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

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

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

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

Historic Structure: Any structure that is:

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

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

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

Lowest Floor: the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of section 4-6-7 of this Chapter.

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

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

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

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

NFIP: National Flood Insurance Program.

Recreational Vehicle or Travel Trailer: A vehicle which is:

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

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

**SFHA:** See definition of floodplain.

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

**Structure:** (see "Building")

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

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

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

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

The term does not include:

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

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

4-6-3: **BASE FLOOD ELEVATION:** This Chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to FEMA, IDNR/OWR and the Village of Morton for approval prior to any development of the site.

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

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

4-6-4: **DUTIES OF THE FLOOD PLAIN ADMINISTRATOR:** The Flood Plain Administrator shall coordinate with the building/ zoning or permit official and is responsible for the general administration of this Chapter and shall ensure that all development activities within the floodplains under the jurisdiction of the Village meet the requirements of this Chapter, including but not limited to the following duties:

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

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

4-6-5: **DEVELOPMENT PERMIT:** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Flood Plain Administrator. The Flood Plain Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Chapter.

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

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

- (C) Certificate of Occupancy:

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

(D) Posting Permit and Consent for Inspections:

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

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

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

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

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

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

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

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

4-6-7: **PROTECTING BUILDINGS:**

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



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

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

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

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

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

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

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

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

1. Elevated to or above the flood protection elevation in accordance with section 4-6-7(B), and
2. anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

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

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

4-6-8: **SUBDIVISION REQUIREMENTS:** The Village shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

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

4-6-9: **PUBLIC HEALTH AND OTHER STANDARDS:**

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

3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available and after having sought and received approval for a variance meeting the conditions listed under section 4-6-10. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

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

4-6-10: **VARIANCES:** Whenever the standards of this Chapter place undue hardship on a specific development proposal, the applicant may apply to the Superintendent of Public Works for a variance. The Superintendent of Public Works shall review the applicant's request for a variance and shall submit its recommendation to the Village President and Board of Trustees. The Village President and Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this Chapter.

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

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

- (B) The Village President and Board of Trustees shall notify an applicant in writing that a variance from the requirements of the building protections standards of section 4-6-7 that would lessen the degree of protection to a building will:

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

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

(C) Historic Structures

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

(D) Agriculture

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

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

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

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

4-6-11: **DISCLAIMER OF LIABILITY:** The degree of protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Chapter does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from proper reliance on this Chapter or any administrative decision made lawfully thereunder.

4-6-12: **PENALTY:** Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this Chapter. Upon due investigation, the Flood Plain Administrator may determine that a violation of the minimum standards of this Chapter exists. The Village shall notify the owner in writing of such violation.

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

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

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

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

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

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

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

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

4-6-13: **ABROGATION AND GREATER RESTRICTIONS:** This ordinance repeals and replaces other ordinances adopted by the Village of Morton to fulfill the requirements of the National Flood Insurance Program including: Ordinance 88-10 dated August 15th 1988. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

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



## CHAPTER 7

**PROPERTY MAINTENANCE CODE**

## SECTION:

- 4-7-1: Adoption of Property Maintenance Code  
 4-7-2: Additions; Deletions; Changes

4-7-1: **ADOPTION OF PROPERTY MAINTENANCE CODE:** The 2015 Edition of the International Property Maintenance Code, and any subsequent additions or amendments therefore copyrighted by the International Code Council, Inc., three (3) copy of which are on file in the office of the Village Clerk of the Village of Morton being marked and designated as the International Property Maintenance Code, 2015 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the Village of Morton in the State of Illinois for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to insure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefore; in each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the Village Clerk are hereby referred to, adopted and made a part hereof as if fully set out in this Chapter with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Chapter.

4-7-2: **ADDITIONS; DELETIONS; CHANGES:** The following additions, changes and/or deletions shall apply to the Property Maintenance Code as adopted by the Village of Morton:

- (A) In Section 101.1 insert Village of Morton for [Name of Jurisdiction]; and
- (B) Delete Section 103.5
- (C) Delete Section 103.1; and
- (D) In Section 103.2 delete shall be appointed by the Chief appointing authority of the jurisdiction and insert in its place shall be the Director of Building and Zoning of the Village of Morton or his or her appointee; and
- (E) In Section 112.4 insert fifty dollars (\$50.00) in place of amount in the first instance in which it occurs in said Section and insert seven hundred fifty dollars (\$750.00) in place of “[amount]” in place of amount in the second instance in which it appears in said Section; and
- (F) In Section 302.4 insert eight (8) inches in place of “[height in inches]”; and
- (G) In Section 304.14 insert March 1st in place of “[date]” in the first instance in which date occurs and insert November 1st in place of “[date]” in the second instance in which it occurs in said Section; and
- (H) In Section 602.3 insert November 1st in place of “[date]” in the first instance in which date occurs and insert March 1st in place of “[date]” in the second instance in which it occurs in said Section; and

- (l) In Section 602.4 insert November 1st in place of “[date]” in the first instance in which date occurs and insert March 1st in place of “[date]” in the second instance in which it occurs in said Section.

(Ord. 16-17, 4-3-17)

CHAPTER 8  
**VIOLATIONS**

## SECTION:

4-8-1: Violations And Penalties

4-8-1: **VIOLATIONS AND PENALTIES:**

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



**TITLE 5**  
**FIRE REGULATIONS**

Subject	Chapter
Fire Department .....	1
Fireworks .....	2
Fire Prevention Code .....	3
Fire Detection Systems .....	4
Paramedic Services .....	5
Fire Hydrants .....	6



CHAPTER 1  
FIRE DEPARTMENT

## SECTION:

- 5-1-1: Creation Of Department
- 5-1-2: Officers; Compensation
- 5-1-3: Director Of Fire And Emergency Services
- 5-1-4: Duties Of Director Of Fire And Emergency Services
- 5-1-5: Records (Rep. by Ord. 94-2, 5-2-94)
- 5-1-6: Organization (Rep. by Ord. 94-2, 5-2-94)
- 5-1-7: Firefighter; Compensation
- 5-1-8: Bond Of Secretary-Treasurer
- 5-1-9: Duties Of Secretary-Treasurer (Rep. by Ord. 94-2, 5-2-94)
- 5-1-10: Issuance Of Warrants (Rep. by Ord. 94-2, 5-2-94)
- 5-1-11: Qualifications
- 5-1-12: Retirement
- 5-1-13: Hindering Officers
- 5-1-14: Property Saved At Fire
- 5-1-15: Volunteer Firefighter Pension Fund
- 5-1-16: Foreign Fire Insurance Board
- 5-1-17: Arson Investigator

5-1-1: **CREATION OF DEPARTMENT:** There is hereby created a Fire Department to be known as the Morton Volunteer Fire Department. The Fire Department shall consist of a Director of Fire and Emergency Services (Fire Chief), one (1) Deputy Fire Chief, two (2) Assistant Fire Chiefs, four (4) Captains, firefighters, Engineers, a President, a Vice President, and a Secretary-Treasurer. (Ord. 122, 3-5-56; amd. Ord. 93-4, 5-17-93; amd. Ord. 94-2, 5-2-94; amd. Ord. 03-09, 7-21-03)

5-1-2: **OFFICERS; COMPENSATION:** There are hereby created the following offices, each to be filled by a member of said Fire Department as may be appointed by the Fire Chief or elected by majority vote of the members as indicated below, and each member serving in each office to receive an annual rate of compensation as set across from each office, in addition to their firefighter pay, as follows:

President (elected)	\$125.00
Vice President (elected)	\$50.00
Secretary-Treasurer (elected)	\$300.00
Deputy Chief (appointed)	\$1,800.00
Assistant Chiefs (2) (appointed)	\$1,200.00 each
Captains (4)	\$500.00 each

The above compensation shall be the amount paid to each officer after all deductions for F.I.C.A. and applicable withholding on F.I.C.A. (Ord 79-26, 12-3-79; amd. Ord. 83-27, 4-16-84; amd. Ord. 93-4, 5-17-93; amd. Ord. 94-2, 5-2-94; amd. Ord. 03-09, 7-21-03)

5-1-3: **DIRECTOR OF FIRE AND EMERGENCY SERVICES:** There is hereby created the position of Director of Fire and Emergency Services, who shall be appointed by the President of the Board of Trustees with the consent of the Board of Trustees. The Director shall be required to reside within the corporate limits of the Village within six (6) months of the date of his or her appointment. (Ord. 94-2, 5-2-94)

5-1-4: **DUTIES OF DIRECTOR OF FIRE AND EMERGENCY SERVICES:** The Director shall be responsible for the Fire Department (fire, rescue, and paramedics) and shall perform such duties as may from time to time be assigned by the President and Board of Trustees, including but not limited to the following:

- (A) Assign officers and engineers to administer the duties of the Department.
- (B) Direct the work of each unit within the Department. Be the final authority in all matters concerning the protection of life and property.
- (C) Be responsible for the maintenance and condition of all Fire Department apparatus, equipment, and building facilities.
- (D) Maintain the general attitude, discipline, and morale of the officers, members, and employees of the Department.
- (E) Stay well informed on the conditions and operating efficiency of the Department's apparatus and equipment.
- (F) Prescribe rules and regulations as may be necessary for the efficient operation of the Fire Department.
- (G) Cooperate with and aid the Board of Trustees and prescribe disciplinary action within the Fire Department when required.
- (H) Develop and maintain a budget for the Fire Department.
- (I) Maintain and comply with all reports and regulations of the State Fire Marshall's Office, and maintain any other reports or comply with all other regulations required by any other governmental body.
- (J) Maintain all payroll records and all other records of the Department.
- (K) Perform all other duties and exercise all other powers required or allowed by Village ordinance and State statute. (Ord. 94-2, 5-2-94)

5-1-5: **RECORDS:** (Rep. by Ord. 94-2, 5-2-94)

5-1-6: **ORGANIZATION:** (Rep. by Ord. 94-2, 5-2-94)

5-1-7: **FIREFIGHTER; COMPENSATION:** The Fire Chief shall appoint and designate as many volunteer firefighters as he or she may deem necessary and shall see that such volunteers are properly organized. Said volunteers may with the consent and approval of the President and Board of Trustees make and establish rules and regulations for the government of their Department, not inconsistent with the provisions of this Chapter, and not inconsistent with any rules or procedures established by the Director of Fire and Emergency Services. Each member of the Fire Department shall receive the following compensations:

For each emergency response, drill, meeting, or official department activity attended:

Probationary Firefighter:	\$12.00
Active member with State of Illinois Firefighter II Certification:	\$18.00

In addition to the above, if a firefighter goes to the hospital with a paramedic, the compensation shall be increased by \$5.00.



The following additional educational bonuses will be added to the above compensation schedule for active members (non-probationary) for each emergency response, drill, meeting, or other official department activity attended:

Current Emergency Medical Technician (EMT) license (all levels) and meeting all of the requirements for active EMT status within the Peoria Area EMS System:	\$2.00
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At least three (3) other certifications from an approved class listing as published or as may from time to time be modified by the Fire Chief:	\$2.00
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The maximum allowable compensation for each emergency response, drill, meeting, or other official department activity attended shall be twenty-seven dollars (\$27.00).

The above compensation shall be the amount for each member of the Fire Department after all deductions for F.I.C.A. and applicable withholding on F.I.C.A. (Ord. 122, 3-5-56; amd. Ord. 83-27, 4-16-84; amd. Ord. 86-20, 4-6-87; eff. 5-1-87; amd. Ord. 94-2, 5-2-94; amd. Ord. 03-09, 7-21-03; amd. Ord. 13-33, 4-7-14)

5-1-8: **BOND OF SECRETARY-TREASURER:** Before entering upon the duties of his office, the Secretary-Treasurer shall execute a bond to the Village in the penal sum of twice the amount of the funds in the Treasury of the Department at the time he takes office, plus twice the aggregate estimated to be received by him during the following year. (Ord. 122, 3-5-56)

5-1-9: **DUTIES OF SECRETARY-TREASURER:** (Rep. by Ord. 94-2, 5-2-94)

5-1-10: **ISSUANCE OF WARRANTS:** (Rep. by Ord. 94-2, 5-2-94)

5-1-11: **QUALIFICATIONS:** No person shall be a member of said Fire Department unless he has attained the age of eighteen (18) years, is a person of good moral character, and is a resident of the Village or of the territory within one and one-half (1 1/2) miles of the Village and a resident of the Morton Area Farmers Fire Protection District, provided that at least eighty percent (80%) of the membership of said Fire Department shall be residents of the Village proper. (Ord. 625, 10-21-74; amd. Ord. 16-07, 10-17-16)

5-1-12: **RETIREMENT:** Every member who upon attaining the age of sixty (60) years shall automatically be retired from active service and participation as such member and at the annual banquet following shall be presented with a service pin and made an honorary member of the Fire Department; provided, however, that in the event such member shall hold the office of President, Fire Chief, Assistant Fire Chief, or Secretary-Treasurer, the retirement at age sixty (60) shall not be mandatory for so long as such member retains one of said offices or until he attains the age of sixty five (65) years, and provided further that any member before attaining the age of sixty (60) but who becomes permanently disabled shall be automatically retired and presented a service pin and made an honorary member of the Department regardless of length of service at the annual banquet following such permanent disablement. (Ord. 122, 3-5-56)

5-1-13: **HINDERING OFFICERS:** It shall be unlawful to wilfully or intentionally hinder or interfere with any Village officer or fireman in the performance of his duty, or wilfully or negligently drive any vehicle, locomotive, or train of cars across, or upon any hose or otherwise damage any equipment or apparatus belonging to said Department. (1944 Code, Sec. 94)

5-1-14: **PROPERTY SAVED AT FIRE:** No person shall be permitted to remove or take away any property in the possession of the Department saved from fire until proof of the ownership shall have been made to the satisfaction of the Fire Chief. (1944 Code, Sec. 95)

**5-1-15: VOLUNTEER FIREFIGHTER PENSION FUND:**

- (A) Each member of the Morton Volunteer Fire Department who has completed five (5) years of active service, and who is sixty (60) years of age or older, upon retirement shall be paid by the Village as part compensation for his services with said Fire Department, a monthly pension for the rest of his life equal to five dollars (\$5.00) for each full year of creditable service with said Fire Department.
- (B) Each member of the Morton Volunteer Fire Department who has completed ten (10) years of active service and who is between fifty five (55) and sixty (60) years of age, upon retirement shall be paid by the Village as part compensation for his services with said Fire Department, a monthly pension for the rest of his life equal to five dollars (\$5.00) for each full year of creditable service with said Fire Department, less six and two-thirds percent (6 2/3%) for each year said member is under sixty (60) years of age, said percentage of reduction to be prorata for a part of year to the nearest month; e.g. if said member is five (5) months twenty (20) days from attaining the age of sixty (60) years, the percentage reduction is three and one-third percent (3 1/3%).
- (C) In the event a member of the Morton Volunteer Fire Department who has at least five (5) years of active service dies, then the present lump sum value of the benefit accrued at the time of death shall be paid to the member's designated beneficiary of the plan, or if none, or if the beneficiary is deceased, to the duly appointed executor or administrator of the member's estate. Said payment shall be made within sixty (60) days of the date of death, upon application of the beneficiary or personal representative of the estate, and presentation of a death certificate and letters of office, if applicable.
- (D) In the event a member of the Morton Volunteer Fire Department who has at least five (5) years of active service becomes permanently disabled, then the member or his duly appointed conservator shall within sixty (60) days of said disability or, if applicable, sixty (60) days from the appointment of said conservator, inform in writing to the Board of Trustees of the Morton Volunteer Fire Department Pension Fund which option he or she desires. The option is to either receive the present lump sum value of the benefit accrued at the time of disability (in which event no other payments would be made) or elect to receive a monthly benefit commencing at normal retirement date. Said monthly benefit will be determined on the basis of the active service credited to date of disability, and upon said disability the member shall cease to receive additional credit. The member or his conservator shall apply in writing to the Board of Trustees of the Morton Volunteer Fire Department Pension Fund in the event he becomes permanently disabled and shall furnish such information as deemed appropriate by the Morton Volunteer Fire Department Pension Fund, and shall, if requested, submit to an examination by a physician designated by the Morton Volunteer Fire Department Pension Fund.
- (E) In the event a member of the Morton Volunteer Fire Department terminates his employment and he has completed at least five (5) years of creditable service, then he shall be eligible for a retirement on the following basis:
1. If he has completed five (5) or more years but less than ten (10) years, he shall be eligible for pension benefits; and same shall commence after he has attained the age of sixty (60) years.
  2. If he has completed ten (10) or more years, he shall be eligible for early retirement and a reduced benefit as provided in subsection (B) of this Section; or he may begin to receive his retirement benefits at such time as he attains the age of sixty (60) years.
  3. If a member dies after terminating employment but before he begins to receive benefits, then the present lump sum value of the benefit accrued at the time of death shall be paid to the member's designated beneficiary of the plan, or if none, to the duly appointed executor or administrator of his estate.

- (F) Upon the death of a member receiving a pension, and who has not received his pension for one hundred twenty (120) months, his widow, or if no widow, his dependents, if any, shall continue to receive his same monthly payment until a total of one hundred twenty (120) payments have been made since his retirement.
- (G) The Board of Trustees of the Village shall annually, unless more frequently found to be necessary, transfer from any fund available, money sufficient to meet the requirements of this Section, to the Morton Volunteer Fire Department Pension Fund theretofore established in December, 1973, and hereby ratified, the receipts and disbursements of which shall be made in the name of said Fund by the Morton Village Treasurer.
- (H) There is hereby established a three (3) member Board of Trustees of the Morton Volunteer Fire Department Pension Fund of the Village, who shall be composed of the Fire Chief, the chairman of the Fire Committee of the Morton Village Board, and a member of the Morton Volunteer Fire Department who is elected annually by the at-large membership of said Fire Department.
- (I) Any member who is unable to actively perform his duties on the Morton Volunteer Fire Department because he is engaged in other duties for the Village, such as Mayor or Trustee, or in active military service of the United States of America, shall be given credit for each year the same as if he were in active service with the Fire Department.
- (J) In the event that the Foreign Fire Insurance Board elects not to contribute all the funds it receives in any year, which were collected as a result of the foreign fire insurance tax, to the Volunteer Fireman Pension Fund, then for the ensuing year commencing the next January 1, the monthly pension shall be reduced to two dollars (\$2.00) per month. (Ord. 80-44, 4-6-81; amd. Ord. 03-16, 8-18-03; amd. Ord. 03-09, 7-21-03)

5-1-16: **FOREIGN FIRE INSURANCE BOARD:** There is hereby created a Foreign Fire Insurance Board. The Board shall consist of seven (7) trustees, made up of the Fire Chief and six (6) members who shall be elected at-large by the sworn members of the Fire Department. The election shall take place annually. (amd. Ord. 01-35, 12-17-01; amd. Ord. 09-25, 9-21-09)

5-1-17: **ARSON INVESTIGATOR:** There is created within the Fire Department the designation of Arson Investigator, for the purpose of investigating the cause, origin and circumstances of fires and explosions as may be required by 425 ILCS 25, the Fire Investigation Act, and for the investigation of fires or explosions that are suspected to be arson or arson-related crimes.

An Arson Investigator, having met the requirements of the Illinois Law Enforcement Training Standards Board, will first be certified by the Illinois Office of the State Fire Marshal before being eligible for appointment within the department. The Fire Chief may further classify a qualified Arson Investigator as a Peace Officer, pursuant to the authority granted under 20 ILCS 2910, the Peace Officer Fire Investigation Act, and when so classified the Arson Investigator shall possess the same powers of arrest, search and seizure and the securing and service of warrants as sheriffs of counties, and police officers within the jurisdiction of their political subdivision. (Ord. 16-06, 10-17-16)



CHAPTER 2  
**FIREWORKS**

## SECTION:

- 5-2-1: Definition
- 5-2-2: Regulations
- 5-2-3: Consumer Fireworks Displays
- 5-2-4: Permit
- 5-2-5: Permit Fees

5-2-1: **DEFINITION:** Definitions related to fireworks and fireworks displays contained in 425 Illinois Compiled Statute 35/1, as now in effect or as may be amended from time to time, are hereby adopted and incorporated by reference. (Ord. 95-7, 6-19-95, amd. Ord. 6-15, 6-5-06)

5-2-2: **REGULATIONS:**

- (A) Except as hereinafter provided, Title 41, Illinois Admin. Code, Chapter I, Part 230 and Part 235, as now in effect or as may be amended from time to time, are hereby adopted and incorporated by reference.
- (B) The storage, display, sale or use of novelty fireworks (1.4S) is prohibited in temporary locations, facilities or structures including, but not limited to, tents, stands, canopies, and membrane structures.
- (C) No person shall display, sell or offer for sale, or keep for the purpose of so doing, any professional display (1.3G) fireworks or any consumer (1.4G) fireworks in the Village.

5-2-3: **CONSUMER FIREWORKS DISPLAYS:**

- (A) The possession, ignition or use of consumer fireworks and consumer fireworks displays are specifically prohibited within the Village.
- (B) The Director of Fire and Emergency Services is prohibited from issuing a permit for consumer fireworks displays within the Village or unincorporated areas of Tazewell County which are covered by contract by the Morton Fire Department.

**5-2-4: PERMIT:**

- (A) It shall be unlawful to discharge or set off any outdoor professional display fireworks, or give or exhibit any pyrotechnic or flame effect displays in the Village, excepting displays for which a permit has been issued by the Director of Fire and Emergency Services or his/her designee.
- (B) Except as hereinafter provided, the Director of Fire and Emergency Services may adopt necessary rules and regulations for the administration of this ordinance which shall be based upon 425 ILCS 35, Title 41, Illinois Admin Code, Chapter I, Part 230 and Part 235 or codes and standards otherwise adopted by Village ordinance.
- (C) Fireworks and pyrotechnic display permits shall only be issued to State of Illinois licensed display distributors and operators.
- (D) All outdoor professional fireworks displays shall be attended by fire response equipment and personnel as may be deemed necessary and appropriate by the Director of Fire and Emergency Services.

**5-2-5: PERMIT FEES:**

- (A) There shall be a fifty dollar (\$50.00) permit fee for the issuance of outdoor fireworks displays.
- (B) There shall be a one hundred fifty dollar (\$150.00) permit fee for the issuance of pyrotechnic display permits.

## CHAPTER 3

**FIRE PREVENTION CODE**

## SECTION:

- 5-3-1: Fire Prevention
- 5-3-2: Designating Qualified Personnel
- 5-3-3: Availability to General Public
- 5-3-4: Reviewing Plans
- 5-3-5: Determining Code Violations
- 5-3-6: Monetary Penalty For Violation Of Chapter

5-3-1: **FIRE PREVENTION:** There is hereby adopted for the purpose of prescribing regulations governing hazards to life and property from fire or explosion, Life Safety Code (NFPA 101) 2012 Edition, except for 24.3.5 (Extinguishment requirements), as now in effect or as may be amended from time to time. (Ord. 95-7, 6-19-95; amd. Ord. 01-19, 9-17-01; amd. Ord. 14-10, 7-7-14)

5-3-2: **DESIGNATING QUALIFIED PERSONNEL:** The Village of Morton shall designate or otherwise contract with a qualified private fire and life safety contractor, who shall report to the Director of Fire and Emergency Services, and shall be responsible for fire prevention, fire protection and life safety related reviews, inspections, enforcement and other similar services for and on behalf of the Village. (Ord. 04-08, 6-21-04)

5-3-3: **AVAILABILITY TO GENERAL PUBLIC:** Fire and Life Safety Code interpretation and consulting services related to the Village's fire prevention, fire protection and life safety codes and requirements shall be made available to the general public for a reasonable fee, as may be determined by and paid directly to the designated fire and life safety contractor. (Ord. 04-08, 6-21-04)

5-3-4: **REVIEWING PLANS:** Plans reviewed by the Village's fire and life safety contractor will be reviewed and acted upon by within ten (10) business days after said contractor receives all plans and documents as may be required. (Ord. 04-08, 6-21-04)

5-3-5: **DETERMINING CODE VIOLATIONS:** When, in the opinion of the Director of Fire and Emergency Services or his/her designee, it becomes necessary for the Village to consult with its designated fire and life safety contractor, including site inspection when appropriate, to establish if one (1) or more code violations exist at or on privately owned property within the Village, and if said violation(s) is determined to in fact exist, and a notice to correct said violation is issued or other necessary and appropriate action is taken by or on behalf of the Village to compel the property owner or other responsible person or business to correct said violation(s), then, in addition to any fines or fees that may be imposed pursuant to the violation(s), the property owner shall pay either to the Village or directly to the designated fire and life safety contractor, any and all fees or charges related to the Village's consultation related to the violation(s) including any fees or costs that may be incurred while determining if the violation has been corrected. (Ord. 04-08, 6-21-04)

5-3-6: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 04-08, 6-21-04)





## CHAPTER 4

**FIRE DETECTION SYSTEMS**

## SECTION:

- 5-4-1: Fire Detection System
- 5-4-2: Maintenance Of Fire Detection Systems
- 5-4-3: Presumption Of Improper Working Condition
- 5-4-4: Violations
- 5-4-5: Inspection
- 5-4-6: Penalty

5-4-1: **FIRE DETECTION SYSTEM:** A fire detection system is defined as any type of mechanical device or devices which automatically activates a fire alarm.

5-4-2: **MAINTENANCE OF FIRE DETECTION SYSTEMS:** The owner, occupant, or lessee of a premises containing a fire detection system shall maintain said system in proper working condition.

5-4-3: **PRESUMPTION OF IMPROPER WORKING CONDITION:** Any fire detection system which activates a fire alarm due to any cause other than smoke or heat shall be presumed not to be in proper working condition.

5-4-4: **VIOLATIONS:** The Village Fire Chief shall have authority to file a complaint for and on behalf of the Village against any owner, occupant, or lessee of a premises containing a fire protection device not maintained in proper working condition.

5-4-5: **INSPECTION:** In the event a fire detection system is activated, the Village Fire Chief or any party acting in his stead shall have the right to inspect said fire detection system.

5-4-6: **PENALTY:** Any owner, occupant, or lessee of a premises who fails to maintain a fire protection device or devices in proper working condition shall be fined a minimum of one hundred fifty dollars (\$150.00) and a maximum of seven hundred fifty dollars (\$750.00). (Ord. 78-20, 10-2-78; amd. Ord. 99-37, 12-6-99)



CHAPTER 5  
PARAMEDIC SERVICES

SECTION:

- 5-5-1: Establishment Of Paramedic Department
- 5-5-2: Powers And Duties Of Fire Chief
- 5-5-3: Charge For Usage
- 5-5-4: Due Date Of Payment
- 5-5-5: Penalty For False Alarms
- 5-5-6: Severability Clause

5-5-1: **ESTABLISHMENT OF PARAMEDIC DEPARTMENT:** There is hereby established a Paramedic Department of the Village to be supervised by the Fire Chief, and which Department shall see to the operation of the ambulance service of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village.

5-5-2: **POWERS AND DUTIES OF FIRE CHIEF:** It shall be the duty of the Fire Chief with reference to the Paramedic Department to accomplish the following:

- (A) To promulgate such rules, regulations, and procedures as are necessary and appropriate in the operation of the paramedic service.
- (B) To have charge of all property and equipment used by the Paramedic Department.

5-5-3: **CHARGE FOR USAGE:**

(A) **Payment For Services:** Any person who uses emergency medical services as may be provided by the Village of Morton shall pay to the Village for said service an amount determined as set forth in this section.

(B) **Definitions:** The following definitions shall apply:

**BLS:** Basic Life Support as defined by, or may from time to time be modified by, Medicare.

**ALS:** Advanced Life Support as defined by, or may from time to time be modified by, Medicare.

**ALS-2:** Intensive Advanced Life Support as defined by, or may from time to time be amended by, Medicare.

**RESIDENT:** A person residing within the corporate limits of the Village of Morton.

**MILEAGE:** The distance traveled with a patient in an ambulance from the point of patient pickup to a hospital or other final destination.

**CHARGES:** Charges shall consist of the base rate and mileage.

(C) Base Rate: The base rate charge is expressed in dollars and shall be as follows:

BLS	six hundred dollars (\$600.00)
ALS	seven hundred dollars (\$700.00)
ALS-2	eight hundred dollars (\$800.00)
Treatment only; no transport	three hundred dollars (\$300.00)
ALS Intercept Services	five hundred dollars (\$500.00)

Residents may deduct fifty dollars (\$50.00) from the applicable base rate.

(D) Standby Charges: There shall be a Standby Charge of one hundred dollars (\$100.00) per hour.

(E) Mileage: Mileage shall be charged as follows:

Ten dollars (\$10.00) per mile

(F) Should any provision of this ordinance be deemed inconsistent with the rules and regulations for ambulance-related billing as set forth by, and from time to time modified by Medicare and its carriers, Medicare's rules and regulations shall supersede this ordinance and Village staff may modify billing procedures as may be required to comply with Medicare's rules and regulations. (amd. Ord. 01-02, 5-21-01; amd. Ord. 07-30, 9-4-07; amd. Ord. 10-35, 3-7-11)

5-5-4: **DUE DATE OF PAYMENT:** All charges shall be due within thirty (30) days of the date of service. If the charges are not paid on or before said time the Village may take such action as is reasonably necessary including the filing of a lawsuit to collect for said services.

For any account which is not paid on or before said thirty (30)-day period, interest as allowable by Statute shall be due in addition to the charge for service. Interest shall in that case be computed from the date of service.

5-5-5: **PENALTY FOR FALSE ALARMS:** A person commits the offense of transmitting a false alarm for paramedic services when any person transmits to the Village a false alarm of the need for paramedic services, knowing at the time of such transmission that there is no reasonable ground for believing that the need for paramedic services exists.

A person who violates this Section shall, upon conviction, be fined two hundred fifty dollars (\$250.00).

A person convicted of more than one (1) offense of this Section shall, upon conviction, be subject to a fine of seven hundred fifty dollars (\$750.00) or imprisonment not to exceed six (6) months, or by both such fine and imprisonment. (amd. Ord. 99-37; 12-6-99)

5-5-6: **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 provision, clause, sentence, paragraph, section, or part thereof not then been included.

(Ord. 89-9, 8-21-89)

CHAPTER 6  
FIRE HYDRANTS

## SECTION:

- 5-6-1: Removal Of Obstructions  
5-6-2: Notification  
5-6-3: Penalty

5-6-1: **REMOVAL OF OBSTRUCTIONS:** All fire hydrants that are maintained by the Village for the purpose of fire protection shall be free from obstruction at all times so that they are clearly visible in either direction from the adjacent street. Owners or occupants of property adjacent to a fire hydrant shall be responsible for maintaining their adjacent property as follows:

- (A) Trees, shrubs, bushes, or evergreens that overhang the hydrant must be trimmed so that they are at least four feet (4') above the top of the hydrant, are at least two feet (2') from the edge of the fire hydrant, and are not located so as to obstruct the view of the hydrant from the street.
- (B) No fences or other structures may be located on adjacent property that would be in violation if they were trees, shrubs, bushes, or evergreens. (Ord. 97-37, 4-20-98)

5-6-2: **NOTIFICATION:** Upon notification by the Village of any obstruction as defined in Subsection 5-6-1(A) or (B) of this Chapter, the adjacent property owner or occupant of the property shall have five (5) days to remove the obstruction. In the event the obstruction is not removed within that time, the Village, in the case of trees, shrubs, bushes, or evergreens may remove the obstruction. (Ord. 97-37, 4-20-98)

5-6-3: **PENALTY:** In the event that an adjacent property owner or occupant of the property fails to remove the obstruction after notification, then the owner or occupant of the adjacent property shall be deemed to have violated this Chapter, and upon conviction, shall be subject to a fine of at least fifty dollars (\$50.00) but no more than seven hundred fifty dollars (\$750.00). A separate violation shall be deemed to have occurred for each and every day from the date of the initial notice until removal. (Ord. 97-37, 4-20-98; amd. Ord. 99-37, 12-6-99)



**TITLE 6**  
**POLICE REGULATIONS**

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General Offenses .....	2
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Weeds (Rep. by Ord. 96-40, 4-7-97) .....	5
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CHAPTER 1  
POLICE DEPARTMENT

## SECTION:

- 6-1-1: Department Created
- 6-1-2: Officers
- 6-1-3: Department Duties
- 6-1-4: Chief Of Police
- 6-1-5: Members
- 6-1-6: Bond Of Policemen
- 6-1-7: Call For Assistance
- 6-1-8: Interference With Officer
- 6-1-9: Compliance With Police Commission Rules
- 6-1-10: Reduction In Number Of Employees
- 6-1-11: Auxiliary Police
- 6-1-12: Conduct Of Members
- 6-1-13: Police As Witnesses; Fees
- 6-1-14: Residence
- 6-1-15: Criminal History Record Information Preparation Fee
- 6-1-16: Participation In Pension Fund

6-1-1:       **DEPARTMENT CREATED:** There is hereby established an executive department of the Village to be known as the Police Department. Said Police Department shall embrace the officers and positions hereinafter enumerated, and such officers as may be provided by the President and Board of Trustees.<sup>1</sup> (Ord. 245, 4-17-61)

6-1-2:       **OFFICERS:** There are hereby created, in order of rank, the office of Chief of Police, Deputy Chief of Police, Sergeant of Police, and Patrol Officer. The word policemen shall mean any member of the regularly constituted Police Department, sworn, bonded, and commissioned to perform police duties. Said Policemen shall constitute the Police Force of this Village and the members of the Police Department shall be and are officers of the Village, a Municipal corporation. All duly commissioned policemen of the rank of Chief and Sergeant now in the employment of the Village as of the adoption of the Police Commission<sup>2</sup> are deemed qualified and capable officers, without examination, and those among them who have served as such officers for more than one year shall be eligible to receive their certificates of accreditation upon meeting other lawful requirements of the Police Commission. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91; amd. Ord. 99-8, 9-7-99)

6-1-3:       **DEPARTMENT DUTIES:** The Police Department, under the Chief of Police and under his supervision, shall:

- (A)       Preserve the peace and order of the Village.
- (B)       Protect persons and property from harm, loss, or damage.
- (C)       Prevent crime and detect and apprehend persons suspected of crimes and misdemeanors.
- (D)       Regulate traffic upon public thoroughfares.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 10-2.1-4.

<sup>2</sup> See Title 2, Chapter 4 of this Code.

- (E) Enforce all criminal laws of this State and all provisions of this Code.
- (F) Secure all necessary warrants and other documents for the enforcement of these duties, and aid in the prosecution of all such crimes and misdemeanors.
- (G) Cause to be served and execute any criminal process issued by any court of competent jurisdiction within the Village.
- (H) Have custody of lost, stolen, and abandoned property.
- (I) Maintain proper and adequate records of crimes and criminals and matters relating thereto.
- (J) Arrest for the violation of any crime and misdemeanor.
- (K) Have custody of and detention of prisoners and to do and perform all other acts necessary and incidental to the performance of police work, as provided by law.<sup>1</sup>

6-1-4 **CHIEF OF POLICE:** The Chief of Police shall be the commanding officer of the Police Force and shall have control of the assignment of all members of the Force and the direction and supervision of police work in the Village, including any auxiliary police officers under his command. He shall be responsible for the control and regulation of all equipment assigned to or under the control of the Police Department. The Chief shall attend as far as practicable all meetings of the Village Board, and he shall prepare the room in which the Board meetings are held, and see that it is properly lighted, warmed, cleaned, and made comfortable. He shall serve all notifications in writing, when ordered by the Village Board; and he shall perform all such other duties as shall be prescribed by ordinance, or by order of the Board. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91)

The Chief of Police shall have the authority to promulgate such rules, procedures, and policies as he deems appropriate in furtherance of the operation of the Police Department. (Ord. 83-21, 11-21-83)

The Chief of Police shall have the authority to appoint a Deputy Chief of Police and assign the Deputy Chief of Police such duties and responsibilities as the Chief of Police deems appropriate. (Ord. 99-8, 9-7-99)

6-1-5: **MEMBERS:** The present Police Force of the Village shall consist of a Chief, Deputy Chief, and any Sergeants or Patrol Officers that may be provided for, and, all members shall be under the jurisdiction, rules and regulations of the Board of Fire and Police Commissioners, except for the Chief of Police, the appointment of whom is specifically reserved to the President and Board of Trustees. The Chief of Police shall have the right to appoint or dismiss the Deputy Chief of Police, but the Deputy Chief of Police shall otherwise be subject to the rules and regulations of the Board of Fire and Police Commissioners. (Ord. 266, 1-2-62; amd. Ord. 90-11, 8-6-90; amd. Ord. 90-34, 2-18-91; amd. Ord. 99-8, 9-7-99)

6-1-6: **BOND OF POLICEMEN:** Each policeman hereafter employed or re-employed shall execute and file with the Clerk a bond in the sum of at least two thousand dollars (\$2,000.00) with sureties to be approved by the President and Board of Trustees. Said bond shall be conditioned on the faithful performance of the duties of his office. Such bond may provide that the obligation of the sureties shall extend to any loss sustained by the insolvency, failure, or closing of any bank organized and operating under either the laws of the State or the United States wherein such officer has placed funds in his custody, if the bank has been approved by the corporate authorities as a depository for these funds. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 24, Sec. 11-1-2.

- 6-1-7: **CALL FOR ASSISTANCE:** Any police officer of this Village may at any time call upon any able-bodied male person above the age of twenty one (21) years to aid him in arresting or taking into custody any person guilty of having committed an unlawful act, or charged therewith, or to aid such officer in preventing the commission of an unlawful act. No one shall refuse or neglect to give such aid or assistance when so directed.
- 6-1-8: **INTERFERENCE WITH OFFICER:** No person shall wilfully prevent a police officer from performing the duties of his office. Any such person found guilty of the violation of this Section shall upon conviction be fined as in this Code provided. (Ord. 245, 4-17-61)
- 6-1-9: **COMPLIANCE WITH POLICE COMMISSION RULES:** The Police Force of this Village shall be subject to all the rules and regulations governing employment, disciplining, and discharge of policemen as promulgated by the Police Commission and the Chief of Police. (Ord. 245, 4-17-61; amd. Ord. 83-21, 11-21-83)
- 6-1-10: **REDUCTION IN NUMBER OF EMPLOYEES:** The President and Board of Trustees reserve the absolute right to reduce the number of employees whenever, in their sole discretion, it becomes necessary to do. (Ord. 245, 4-17-61; amd. Ord. 90-34, 2-18-91)
- 6-1-11: **AUXILIARY POLICE:** Pursuant to 65 ILCS 5/3.1-30-5 and 65 ILCS 5/3.1-30-20, the President of the Board of Trustees, with the advise and consent of the Board of Trustees, may appoint auxiliary police officers. The auxiliary police officers are not designated conservators of the peace pursuant to 65 ILCS 5/3.1-15-25. Auxiliary police officers shall be under the control and supervision of the Chief of Police. (Ord. 90-34, 2-18-91; amd. Ord. 06-31, 11-6-06)
- 6-1-12: **CONDUCT OF MEMBERS:** It shall be the duty of every member of the Police Department to conduct himself in a proper and law abiding manner at all times, and to avoid the use of unnecessary force. Each member of the Department shall obey the orders and directions of his superior.
- 6-1-13: **POLICE AS WITNESSES; FEES:** Every member of the Police Department shall appear as witness whenever this is necessary in a prosecution for a violation of an ordinance or of any State or Federal law. No such member shall retain any witness fee for services as witness in any action or suit to which the Village is a party; any fees for such services shall be turned over to the Chief, who shall deposit the same with the Village Treasurer. (Ord. 245, 4-17-61)
- 6-1-14: **RESIDENCE:** It is hereby provided that police officers of the Village of Morton may reside within or outside the Corporate limits of the Village of Morton, but not a distance in excess of five (5) miles from the nearest point of the Corporate limits or not in excess of any limit set forth in agreement with a collective bargaining unit. Any police officer residing outside the Corporate limits of the Village of Morton must provide his or her own transportation to and from his or her place of residence. (Ord. 650, 7-21-75; amd. Ord. 06-27, 10-16-06)
- 6-1-15: **CRIMINAL HISTORY RECORD INFORMATION PREPARATION FEE:** A fee of ten dollars (\$10.00) for the preparation and processing of an individual criminal history record shall be paid to the Village of Morton at the time an individual applies for a copy of his or her criminal history record. (Ord. 670, 4-5-76)
- 6-1-16: **PARTICIPATION IN PENSION FUND:**<sup>1</sup> All persons who are members of the Morton Police Department shall actively participate and become a member of the Village of Morton's Policemen's Pension Fund, except for the Chief of Police as allowed by Chapter 108 1/2, Section 3-109.1 of the Illinois Revised Statutes. The failure of any police officer to participate in said Pension Fund shall be grounds for cause for removal from his or her position as a police officer. (Ord. 85-12, 10-21-85; amd. Ord. 90-34, 2-18-91)

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<sup>1</sup> See also Title 2, Chapter 5 of this Code.



CHAPTER 2  
GENERAL OFFENSES

## SECTION:

- 6-2-1: Assault
- 6-2-2: Battery
- 6-2-3: Cannabis
- 6-2-4: Climbing Utility Poles
- 6-2-5: Discharging Firearms
- 6-2-6: Disorderly Conduct
- 6-2-7: Disturbing Assemblages
- 6-2-8: Drug Paraphernalia-Definitions
- 6-2-8.1: Sale Or Delivery-Penalty-Public Nuisance
- 6-2-8.2: Possession Of Drug Paraphernalia
- 6-2-9: Fires
- 6-2-10: Gambling
- 6-2-10.1: Definition
- 6-2-10.2: Gambling Device
- 6-2-10.3: Keeping A Gambling Place
- 6-2-10.4: Seizure Of Gambling Devices And Gambling Funds
- 6-2-10.5: Prohibition
- 6-2-11: Harassment By Telephone
- 6-2-12: Hunting
- 6-2-13: Impersonating Village Officers; Fire Personnel
- 6-2-14: Injury To Property
- 6-2-15: Interference With Firefighter; Destruction Of Fire Apparatus Prohibited
- 6-2-16: Missiles
- 6-2-17: Noises
- 6-2-18: Obscenity
- 6-2-19: Obstructing Passageways
- 6-2-20: Posting Bills
- 6-2-21: Prostitution; Definition
- 6-2-21.1: Soliciting For A Prostitute
- 6-2-21.2: Keeping A Place Of Prostitution
- 6-2-21.3: Patronizing A Prostitute
- 6-2-21.4: Definition Of Sexual Penetration
- 6-2-22: Public Indecency
- 6-2-23: Resisting Or Obstructing A Peace Officer
- 6-2-24: Snow Or Ice On Streets
- 6-2-25: Trespass
- 6-2-25.1: Specifically Enumerated Trespasses Suppression
- 6-2-26: Unlawful Assemblages
- 6-2-27: Urinating
- 6-2-28: Unlawful Use Of Weapons
- 6-2-29: Synthetic Alternative Drugs
- 6-2-30: ATV's, Mopeds, Motor Driven Cycles, Off-Highway Motorcycles, and Snowmobiles on Residential Property
- 6-2-31: Illegal Dumping At Lawn Waste Disposal Site

6-2-1: **ASSAULT:** It shall be unlawful for a person to commit an assault. A person commits an assault when, without lawful authority, he or she engages in conduct which places another in reasonable apprehension of receiving a battery. (Ord. 96-40, 4-7-97)

6-2-2: **BATTERY:** It shall be unlawful for any person to commit a battery. A person commits a battery if he or she intentionally or knowingly, without legal justification and by any means:

- (A) Causes bodily harm to an individual, or
- (B) Makes physical contact of an insulting or provoking nature with an individual. (Ord. 96-40, 4-7-97)

6-2-3: **CANNABIS:** It shall be unlawful for any person knowingly to possess marijuana, hashish, and other substances which are identified as including any parts of the plant *Cannabis sativa*, whether growing or not; the seed thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, and other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

Any person possessing any substance containing cannabis resin up to the amount of two and five-tenths (2.5) grams shall, upon conviction, be assessed a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount of two and five-tenths (2.5) grams or more but less than ten (10) grams shall, upon conviction, be fined not less than three hundred dollars (\$300.00) and not more than seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount of ten (10) grams or more but less than thirty (30) grams shall, upon conviction, be fined not less than four hundred dollars (\$400.00) and not more than seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Any person possessing any substance containing cannabis resin in an amount thirty (30) grams or more shall, upon conviction, be fined seven hundred fifty dollars (\$750.00). (amd. Ord. 99-37, 12-6-99)

Where any person has been convicted of any of the provisions of the offense at any prior time, then there shall be added to the applicable minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction. (Ord. 96-40, 4-7-97)

A qualifying patient who has a registry identification card or a registered caregiver who does not possess an amount in excess of what is allowed under The Compassionate Use of Medical Cannabis Pilot Program Act is exempt from the above provisions. A qualifying patient and registry identification card are defined in the Act. (Ord. 14-22, 10-6-14)

6-2-4: **CLIMBING UTILITY POLES:** It shall be unlawful for any person to climb upon any telegraph pole, telephone pole, electric light pole, or sign pole, unless in the performance of his duties. (Ord. 96-40, 4-7-97)

6-2-5: **DISCHARGING FIREARMS:** It shall be unlawful to discharge any firearms or air gun in the Village; provided that this Section shall not be construed to prohibit any officer of the law to discharge a firearm in the performance of his duty, nor to any citizen to discharge a firearm when lawfully defending his person or property, nor shall the provision of this Section apply to any licensed event which may be sponsored by a known local organization holding a charter in a national organization or association. (Ord. 96-40, 4-7-97)

6-2-6: **DISORDERLY CONDUCT:** A person commits disorderly conduct when he knowingly:

- (A) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace; or

- (B) With intent to annoy another, makes a telephone call, whether or not conversation thereby ensues; or
- (C) Transmits in any manner to the Fire Department a false alarm of a fire, knowing at the time of such transmission that there is no reasonable ground for believing that such fire exists; or
- (D) Transmits in any manner to another a false alarm to the effect that a bomb or other explosive of any nature is concealed in such place that its explosion would endanger human life, knowing at the time of such transmission that there is no reasonable ground for believing that such bomb or explosive is concealed in such place; or
- (E) Transmits in any manner to any peace officer, public officer, or public employee a report to the effect that an offense has been committed, knowing at the time of transmission that there is no reasonable ground for believing that such an offense has been committed; or
- (F) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it; or
- (G) While acting as a collection agency as defined in the Collection Agency Act, or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy, or intimidate the alleged debtor.
- (H) Transmits or causes to be transmitted in any manner to the police department or fire department or paramedic department a false request for an ambulance, emergency medical technician-ambulance or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required; or
- (I) Calls the number "911" for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

Any person who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than seven hundred fifty dollars (\$750.00) except that where said person has been convicted of this offense at any prior time, there shall be added to said minimum fine the amount of twenty five dollars (\$25.00) for each such prior conviction. (Ord. 96-40, 4-7-97; amd Ord. 99-37, 12-6-99; amd. Ord. 12-11, 8-20-12)

6-2-7: **DISTURBING ASSEMBLAGES:** It shall be unlawful for any person to disturb any lawful assemblage or gathering in the Village. (Ord. 96-40, 4-7-97)

6-2-8: **DRUG PARAPHERNALIA-DEFINITIONS:** As used in this Chapter, unless the context otherwise requires:

- (A) The term "cannabis" shall have the meaning ascribed to it in section 3 of the "Cannabis Control Act",<sup>1</sup> as if that definition were incorporated herein.
- (B) The term "controlled substance" shall have the meaning ascribed to it in section 102 of the "Illinois Controlled Substances Act",<sup>2</sup> as if that definition were incorporated herein.
- (C) "Deliver" or "delivery" means the actual, constructive, or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

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<sup>1</sup> 720 ILCS 550/3.

<sup>2</sup> 720 ILCS 570/102.

- (D) “Drug paraphernalia” means all equipment, products, and materials of any kind which are intended to be used unlawfully in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body cannabis or a controlled substance in violation of the “Cannabis Control Act”<sup>3</sup> or the “Illinois Controlled Substances Act”.<sup>4</sup> It includes, but is not limited to:
1. Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing, or preparing cannabis or a controlled substance;
  2. Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
  3. Testing equipment intended to be used unlawfully for private home use in identifying or in analyzing the strength, effectiveness, or purity of cannabis or controlled substances;
  4. Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
  5. Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, or hashish oil into the human body including, where applicable, the following items:
    - (a) Water pipes;
    - (b) Carburetion tubes and devices;
    - (c) Smoking and carburetion masks;
    - (d) Miniature cocaine spoons and cocaine vials;
    - (e) Carburetor pipes;
    - (f) Electric pipes;
    - (g) Air-driven pipes;
    - (h) Chillums;
    - (i) Bongs;
    - (j) Ice pipes or chillers;
  6. Objects which are used or intended to be used to ingest, inhale, or otherwise introduce cannabis or a controlled substance into the human body.
  7. Any item whose purpose, as announced or described by the seller, is for use in violation of this Chapter. (Ord. 96-40, 4-7-97; amd. Ord. 02-01, 5-6-02; amd. Ord. 03-33, 11-17-03)

**6-2-8.1: SALE OR DELIVERY-PENALTY-PUBLIC NUISANCE:**

- (A) Any person who keeps for sale, offers for sale, sells, or delivers for any commercial consideration any item of drug paraphernalia commits an offense. For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed.

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<sup>3</sup> 720 ILCS 550/1 et seq.

<sup>4</sup> 720 ILCS 570/100 et seq.



- (B) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-8.2: **POSSESSION OF DRUG PARAPHERNALIA:**

- (A) A person who knowingly possesses an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use, commits an offense.
- (B) In determining intent under subsection (A) of this Section, the trier of fact may take into consideration the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia.
- (C) For a first offense, a fine of three hundred dollars (\$300.00) shall be imposed. For any subsequent offenses, a fine of seven hundred fifty dollars (\$750.00) shall be imposed. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-9: **FIRES:** Except as otherwise provided in this Section, no person shall set fire to or cause or permit to be burned in any yard, lot, street, alley, fireplace or wood burning stove, any "rubbish" as defined in Section 7-2-22 of this Code, or any "litter" as defined in Section 7-2-21 of this Code, or any "garbage" as defined in Section 7-2-3 of this Code. Except as otherwise provided in this Section, burning is prohibited within the Village, including, but not limited to, the burning of leaves, landscape waste, construction materials, buildings, structures and personal property.

It shall be lawful to have a recreational fire on private property, or as may be allowed within a public park, for pleasure, cooking food, religious, ceremonial, warmth or similar purposes; but only when the following recreational fire regulations are adhered to. Failure to follow any of the recreational fire regulations shall constitute a violation of this ordinance. For the purposes of this section, recreational fires shall include campfires, roasting fires, portable outdoor fireplaces, fire pits, fire rings and similar devices when designed specifically for the outdoor containment of a fire, open or partially open outdoor ovens, barbecue pits and the like.

1. Only clean and untreated firewood, charcoal or other commercially available products specifically intended for outdoor fire and cooking purposes may be used as fuel. Devices specifically designed for outdoor fire use shall be used in accordance with the manufacturer's recommendations.
2. The total fuel area for a recreational fire shall not exceed ten (10) cubic feet. Fuel area is defined as the total length multiplied by width multiplied by height of the unburned material being consumed by the fire.
3. A recreational fire shall be constantly attended by a responsible adult until fully and completely extinguished. Any person lighting or maintaining a recreational fire shall be responsible for the reasonable consideration of the environmental and atmospheric conditions and local circumstances which may cause a recreational fire to become a hazard or burn beyond the intended fire containment area.
4. A recreational fire must be kept a sufficient distance from any building, structure or other combustible or flammable material so as not to constitute a fire hazard or to allow smoke or the products of combustion to become objectionable, offensive or a potential health hazard to any person. Recreational fires are prohibited upon any balcony or upon any deck or any surface constructed of any type of combustible material.

Any peace officer or fire official may order the immediate extinguishment of any fire when such is deemed by the officer or official to violate this section or otherwise creates or adds to any type of hazardous condition or is deemed by the official to be a nuisance, offensive, objectionable or a potential fire or health risk, regardless of whether such fire constitutes an actual violation of this ordinance. Any fire that burns unattended, out of control, extends or spreads beyond the confines of the intended safe burning area, burns or spreads upon the land of another person, or otherwise causes damage to any structure or property may be considered evidence or a violation of this ordinance. The Fire Chief shall have the authority to suspend and prohibit any and all fires and burning within the Village when atmospheric, environmental or other factors constitute a potentially greater than normal fire risk or hazard.

The Fire Chief may, at his discretion, authorize the burning of any material within the Village in the following circumstances, and may further establish administrative rules as deemed necessary and appropriate to insure health and safety. There shall be a one hundred dollar (\$100.00) permit fee collected prior to issuance of a burning permit, which may be waived by the Fire Chief when the permit is issued to a governmental entity or is issued during unusual or emergency circumstances.

1. Bon fires which are ceremonial in nature, and have a total fuel area of greater than 10 cubic feet, but less than 250 cubic feet.
2. Vegetation clearing operations with the use of an air curtain destructor.
3. The prescribed and controlled burning of vegetation for silviculture or wildlife management practices, for the prevention or control of disease or pests, or to reduce the impact or risk of wildland fires; when the prescribed burning is on public lands or is requested by the Illinois Department of Natural Resources or other regulatory or governmental agency.
4. Abandoned buildings, structures or any other flammable or combustible materials, when used specifically for firefighting training purposes.
5. During or following an emergency situation or a disaster type event.

(Ord. 97-9, 7-7-97; amd. Ord. 15-07, 8-3-15; amd. Ord. 16-08, 10-17-16)

6-2-10: **GAMBLING:**

6-2-10.1: **DEFINITION:**

(A) A person commits gambling when he:

1. Plays a game of chance or skill for money or other thing of value, unless excepted in subsection (B) of this Section; or
2. Makes a wager upon the result of any game, contest, or any political nomination, appointment, or election; or
3. Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device; or
4. Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been or are recorded or registered, or knowingly possesses any money which he has received in the course of a bet or wager; or
5. Sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election; or
6. Sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery; or

7. Sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device; or
8. Knowingly advertises any lottery or policy game or drafts, prints, or publishes any lottery ticket or share, or any policy ticket, slip, record, document, or similar device, or any advertisement of any lottery or policy game; or
9. Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this subsection (A)9 prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

(B) Participants in any of the following activities shall not be convicted of gambling:

1. Agreements to compensate for loss caused by the happening of chance including, without limitation, contracts of indemnity or guaranty and life or health or accident insurance; and
2. Offers of prizes, award, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest; and
3. Pari-mutuel betting as authorized by the laws of the State; and
4. Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this State when such transportation is not prohibited by an applicable law; and
5. The game commonly known as "bingo", when conducted in accordance with "an act making lawful to conducting of bingo by certain non-profit organizations, requiring licensing and prescribing regulations, therefor", as passed by the Illinois General Assembly; and
6. Lotteries when conducted by the State in accordance with the "Illinois Lottery Law", enacted by the 78th General Assembly; and
7. Raffles conducted pursuant to the provisions of Title 3, Chapter 3 of the Morton Municipal Code. (Ord. 96-40, 4-7-97; amd. Ord. 13-30, 2-17-14)

6-2-10.2: **GAMBLING DEVICE:**

(A) A "gambling device" is any clock, tape machine, slot machine, or other machine or device for the reception of money or other thing of value on chance or skill or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A "gambling device" does not include:

1. A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property, or right to receive money or property.

2. Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

- (B) A "lottery" is any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme, or procedure is called a "lottery", "raffle", "gift", "sale", or some other name.
- (C) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token, or other device that any particular number character ticket or certificate shall, in the event of any contingency in the nature of a lottery, entitle the purchaser or holder to receive money, property, or evidence of debt.  
(Ord. 96-40, 4-7-97)

6-2-10.3: **KEEPING A GAMBLING PLACE:** A "gambling place" is any real estate, vehicle, boat, or other property whatsoever used for the purposes of gambling. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place shall be guilty of the offense of gambling. When any premises is determined by the Circuit Court to be a gambling place:

- (A) Such premises is a public nuisance and may be proceeded against as such; and
- (B) All licenses, permits, or certificates issued by the State or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit, or certificate so cancelled shall be reissued for such premises for a period of sixty (60) days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction; and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license; and
- (C) Such premises of any person who knowingly permits thereon a violation of any section of this Chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this Chapter.  
(Ord. 96-40, 4-7-97)

6-2-10.4: **SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS:**

- (A) Every gambling device which is incapable of lawful use is contraband and shall be subject to seizure, confiscation, and destruction by the Village. As used in this Section, a "gambling device which is incapable of lawful use" includes any slot machine, and includes any machine for or device constructed for the receipt of money or other thing of value and so constructed as to return on chance to the player thereof money, property, or a right to receive money or property.
- (B) Every gambling device shall be seized and forfeited as contraband to the county wherein such seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein such seizure occurs. (Ord. 96-40, 4-7-97)

6-2-10.5: **PROHIBITION:** It shall be unlawful to gamble or to attend any gambling resort, or to make any bet, lottery, or gambling hazard, to buy or sell any chances or tickets in any gambling game, arrangement, or device. (Ord. 96-40, 4-7-97)

6-2-11: **HARASSMENT BY TELEPHONE:** It shall be unlawful for any person to use a telephone or make use of a telephone communication for any of the following purposes:

- (A) To make any comment, request, or suggestion or proposal which is obscene, lewd, lascivious, filthy, or indecent with an attempt to offend; or

- (B) Make a telephone call, whether or not conversation ensues, with intent to abuse, threaten, or harass any person at the called number; or
- (C) Make or cause the telephone of another repeatedly to ring, with the intent to harass the person at the called number; or
- (D) Make repeated telephone calls, during which conversation ensues solely to harass any person at the called number; or
- E) To knowingly permit any telephone under one's control to be used for any of the purposes mentioned in this Section. (Ord. 96-40, 4-7-97)

6-2-12: **HUNTING:** It shall be unlawful for any person to hunt any game animal or game birds within the Village. (Ord. 96-40, 4-7-97; amd. Ord. 00-25, 9-5-00)

6-2-13: **IMPERSONATING VILLAGE OFFICERS; FIRE PERSONNEL:**

- (A) No person shall falsely represent himself to be an officer of the Village of Morton, or shall, without being duly authorized by the Village of Morton, exercise or attempt to exercise any of the duties, functions, or powers of a Village of Morton officer.
- (B) No person, not a member of the Morton Fire Department, shall impersonate a firefighter or officer of the Morton Fire Department. (Ord. 96-40, 4-7-97)

6-2-14: **INJURY TO PROPERTY:** It shall be unlawful for any person to wilfully, maliciously, or negligently break, deface, injure, or destroy any property within the Village, whether such property is owned by the State, County, Village, or any other governmental body, or owned by any other private person.

Any person who violates the provisions of this Section shall be subject to arrest, and, upon conviction, shall be subject to a fine not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00), except that where said person has been convicted of this offense at any prior time, there shall be added to said minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)

6-2-15: **INTERFERENCE WITH FIREFIGHTER; DESTRUCTION OF FIRE APPARATUS PROHIBITED:** No person shall wilfully hinder or resist any Village officer or firefighter in the performance of his duty at, going to, or returning from any fire, or while attending to any of their respective duties connected with the Fire Department; or wilfully or negligently, in any manner, cut, deface, destroy, or injure any fire apparatus or any apparatus of the fire alarm system. Such person shall be liable for all damages done to any such property in addition to other penalties provided. (Ord. 96-40, 4-7-97)

6-2-16: **MISSILES:** It shall be unlawful to cast, throw, or propel any missile on any street, alley, or public place; and it shall be unlawful to throw or deposit any glass, nails, tacks, or other similar articles on any street, sidewalk, or alley within the Village. (Ord. 96-40, 4-7-97)

6-2-17: **NOISES:**

- (A) General Prohibitions

1. No person shall make, continue, or cause to be made or continued:

- (a) any unreasonably loud, disturbing and unnecessary noise within the corporate limits;
- (b) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; and

- (c) any noise which is so harsh, prolonged, unnatural, or unusual in time or place: i) as to occasion unreasonable discomfort to any persons within the neighborhood from which said noise emanates; ii) as to unreasonably interfere with the peace and comfort of neighbors or their guests or operators or customers in places of business; or iii) as to detrimentally or adversely impact such residences or places of business.
2. Factors for determining whether a sound is unreasonably loud, disturbing and unnecessary include, but are not limited to, the following:
    - (a) The proximity of the sound to residences;
    - (b) The land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
    - (c) The time of day or night the sound occurs;
    - (d) The duration of the sound; and
    - (e) Whether the sound is recurrent, intermittent, or constant.
- (B) Noise - Exemptions: The following uses and activities shall be exempt from the provisions contained in subsections 1 and 2:
1. Heating and cooling equipment and utility service equipment when it is functioning in accordance with manufacturer's specifications and is in proper operating condition.
  2. Building/home/property/landscape maintenance equipment (including lawn mowers) when it is functioning (between the hours of 8:00 a.m. and 9:00 p.m.) in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition. In special or extraordinary circumstances, the Superintendent of Public Works may authorize construction activity before 8:00 a.m. or after 9:00 p.m. for public works projects under the direction of the Village.
  3. Motor vehicles on streets and roadways of the Village, subject to the provisions of the Illinois Vehicle Code.
  4. Noises of safety signals, warning devices and emergency pressure relief valves.
  5. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
  6. Noises resulting from emergency work repairs of telecommunications and/or utility structures to prevent or alleviate physical trauma or property damage threatened or caused by an emergency which has or may result in a disruption of service and which is necessary to protect the health, safety and welfare of persons or property.
  7. Noises from the normal operation of railroad trains.
  8. Activities sanctioned or authorized by the Village of Morton, Morton Park District, or Morton School District 709 in which the location of such activities are conducted in accordance with the manners and customs in which such spaces are generally used. This would include, but not be limited to, outdoor or indoor gatherings, public dances, shows, and sporting events, and other similar events of public assembly.
  9. Church bells provided they are periodic and not constant and only sounded between the hours of 8:00 a.m. and 9:00 p.m. (Ord. 96-40, 4-7-97; amd. Ord. 12-16, 12-3-12)

6-2-18: **OBSCENITY:**

- (A) **Declared Unlawful:** It shall be unlawful to commit obscenity. For purposes of this Section “person” means an individual, public or private corporation, government, partnership, or unincorporated association. Any reference to the masculine shall include the feminine, and any reference to the singular shall include the plural.
- (B) **Elements Of The Offense:** A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he:
1. Sells, delivers, or provides, or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene; or
  2. Presents or directs an obscene play, dance, or other performance or participates directly in that portion thereof which makes it obscene; or
  3. Publishes, exhibits, or otherwise makes available anything obscene; or
  4. Performs an obscene act or otherwise presents an obscene exhibition of his body for gain; or
  5. Creates, buys, procures, or possesses obscene matter or material with intent to disseminate it in violation of this Section, or of the penal laws or regulations of any other jurisdiction; or
  6. Advertises or otherwise promotes the sale of material represented or held out by him to be obscene, whether or not it is obscene.
- (C) **“Obscene” Defined:** A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, that is, a shameful or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters. A thing is obscene even though the obscenity is latent, as in the case of undeveloped photographs.
- (D) **Interpretation Of Evidence:** Obscenity shall be judged with reference to ordinary adults, except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is utterly without redeeming social importance.

In any prosecution for an offense under this Section, evidence shall be admissible to show:

1. The character of the audience for which the material was designed or to which it was directed;
2. What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;
3. The artistic, literary, scientific, educational, or other merits of the material, or absence thereof;
4. The degree, if any, of public acceptance of the material in this State;

5. Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
  6. Purpose of the author, creator, publisher, or disseminator.
- (E) Prima Facie Evidence: The creation, purchase, procurement, or possession of a mold, engraved plate, or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than six (6) copies of obscene material shall be prima facie evidence of an intent to disseminate.
- (F) Affirmative Defenses: It shall be an affirmative defense to obscenity that the dissemination:
1. Was not for gain and was made to personal associates other than children under eighteen (18) years of age;
  2. Was to institutions or individuals having scientific or other special justification for possession of such material.
- (G) Severability Clause: If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Section, 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 Section or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Section would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section, or part thereof not then been included.
- (H) Violation And Penalty: Any person who shall violate any of the provisions of this Section shall be guilty of a misdemeanor. A person who is convicted shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than seven hundred fifty dollars (\$750.00) or by imprisonment for a period not to exceed six (6) months or by both such fine and imprisonment. (Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99)
- 6-2-19: **OBSTRUCTING PASSAGEWAYS:** It shall be unlawful to obstruct or permit the obstruction of any stairway, aisle, corridor, or exit in any office building, factory, hotel, school, church, theater, assembly hall, lodge, or other public hall, or any building used by two (2) or more tenants or families, in such a manner as to interfere with the free use of such stairway, aisle, corridor, or exit. (Ord. 96-40, 4-7-97)
- 6-2-20: **POSTING BILLS:** It shall be unlawful to post any bills or advertisements on any public or private property without the written consent of the owner thereof. (Ord. 96-40, 4-7-97)
- 6-2-21: **PROSTITUTION; DEFINITION:** Any person who performs, offers, or agrees to perform any act of sexual penetration for money, or any touching or fondling of the sex organs of one person by another person, for money or anything of value, for the purpose of sexual arousal or gratification commits an act of prostitution. (Ord. 96-40, 4-7-97)
- 6-2-21.1: **SOLICITING FOR A PROSTITUTE:** It shall be unlawful for any person to perform, offer, or agree to perform any of the following:
- (A) Solicit another for the purpose of prostitution;
  - (B) Arrange or offer to arrange a meeting of persons for the purpose of prostitution; or
  - (C) Direct another to a place knowing such direction is for the purpose of prostitution. (Ord. 96-40, 4-7-97)



**6-2-21.2: KEEPING A PLACE OF PROSTITUTION:**

- (A) Any person who has or exercises control over the use of any place which could offer seclusion or shelter for the practice of prostitution who performs any of the following acts keeps a place of prostitution:
1. Knowingly grants or permits the use of such place for the purpose of prostitution; or
  2. Grants or permits the use of such place under circumstances from which he could reasonably know that the place is used or is to be used for purposes of prostitution; or
  3. Permits the continued use of a place after becoming aware of facts or circumstances from which he should reasonably know that the place is being used for purposes of prostitution.
- (B) It shall be unlawful for any person to keep a place of prostitution. (Ord. 96-40, 4-7-97)

**6-2-21.3: PATRONIZING A PROSTITUTE:** It shall be unlawful for any person to perform any of the following acts with a person not his or her spouse:

- (A) Engage in an act of sexual penetration with a prostitute; or
- (B) Enter or remain in a place of prostitution with intent to engage in an act of sexual penetration. (Ord. 96-40, 4-7-97)

**6-2-21.4: DEFINITION OF SEXUAL PENETRATION:** For purposes of Sections 6-2-21, 6-2-21.1, 6-2-21.2, and 6-2-21.3 of this Chapter, the term "sexual penetration" means any contact, however slight, between the sex organ of one person and the sex organ, mouth, or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including, but not limited to, cunnilingus, fellatio, or anal penetration. Evidence of emission of semen is not required to prove sexual penetration. (Ord. 96-40, 4-7-97)

**6-2-22: PUBLIC INDECENCY:**

- (A) Any person of the age of seventeen (17) years and upwards who performs any of the following acts in a public place commits a public indecency:
1. An act of sexual penetration or sexual conduct.
  2. A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.
- (B) For purposes of this Section, "sexual penetration" shall be as defined in Section 6-2-21.4 of this Chapter.
- (C) For purposes of this Chapter, "sexual conduct" means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under thirteen (13) years of age, for the purpose of sexual gratification or arousal of the victim or the accused.
- (D) "Public place" for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others. (Ord. 96-40, 4-7-97)

6-2-23: **RESISTING OR OBSTRUCTING A PEACE OFFICER:** It shall be unlawful for a person to knowingly resist or obstruct the performance by one known to the person to be a peace officer of any authorized act within his official capacity.

A person shall be fined, upon conviction of this offense, an amount not less than three hundred dollars (\$300.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 96-40, 4-7-97; amd Ord. 99-37, 12-6-99)

6-2-24: **SNOW OR ICE ON STREETS:** No person, firm, corporation, or institution, public or private, shall plow or remove or cause to be plowed or removed ice or snow from any shopping center, parking lot, commercial or institutional service area or driveway or any other public or private service area or driveway and deposit such ice or snow upon a public street or along the shoulder or edge of a public street. Such prohibition shall not pertain to a residential driveway or sidewalk. (Ord. 98-32, 12-21-98)

6-2-25: **TRESPASS:** It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property. (Ord. 96-40, 4-7-97)

6-2-25.1: **SPECIFICALLY ENUMERATED TRESPASSES SUPPRESSION:** Without constituting any limitations upon the provisions of Section 6-2-25 of this Chapter, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said Section 6-2-25, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Chapter, the aforesaid enumerated acts so included, being as follows:

- (A) An entry upon the premises, or any part thereof, of another including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning, or protest given orally or in writing, by any owner or occupant thereof; or
- (B) The pursuit of a course of conduct, or action incidental to the making of an entry, upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning, or protest given orally or in writing by any owner or occupant thereof; or
- (C) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
- (D) An entry into or upon any vehicle, aircraft, or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft, or watercraft after being requested to leave by the person having such right. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-26: **UNLAWFUL ASSEMBLAGES:** It shall be unlawful to collect, gather, or be a member of any disorderly crowd, or any crowd gathered together for any unlawful purpose. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-27: **URINATING:** It shall be unlawful to urinate on any public street or upon any public sidewalk, or in any other public place, or in any store, assembly hall, corridor, or other place open to and used by the public. (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98)

6-2-28: **UNLAWFUL USE OF WEAPONS:** The provisions of 720 Illinois Compiled Statutes 5/24-1, except the penalty provision, and including all future amendments thereto, are hereby adopted by reference as the provisions of this Title 6, Chapter 2, Section 28. The penalty for violation of this Section upon conviction shall be a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00). (Ord. 96-40, 4-7-97; amd. Ord. 98-32, 12-21-98; amd. Ord. 99-37, 12-6-99)

6-2-29: **SYNTHETIC ALTERNATIVE DRUGS:**

- (A) Definitions: For purposes of this section, the following definitions shall apply unless the context clearly indicates or requires different meaning:
1. A *product containing a synthetic alternative drug* means any product containing a synthetic cannabinoid, stimulant, or synthetic stimulants and synthetic psychedelic/hallucinogens, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
  2. *Synthetic cannabinoid* means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor against, such as, but not limited to, the examples or brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
  3. *Synthetic stimulant* means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing substances which have a stimulant effect on the central nervous system, such as, but not limited to, the examples of brand names of identifiers listed in Exhibit "A" attached hereto and incorporated herein.
  4. *Synthetic psychedelic/hallucinogen* means any compound that mimics the effects of any federally controlled Schedule I substance, including, but not limited to, any quantity of a natural or synthetic material, compound, mixtures, preparation, substance and their analog (including isomers, esters, ethers, salts and salts of isomers) containing substances which have a psychedelic/hallucinogen effect on the natural nervous system and/or brains, such as, but not limited to, the examples of brand names or identifiers listed on Exhibit "A" attached hereto and incorporated herein.
- (B) Sale or Delivery: It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (C) Possession: It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (D) Use: It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant or psychedelic/hallucinogen.
- (E) Penalties:
1. Any person found to be in violation of Section 6-2-29 shall be subject to a fine of not less than two hundred dollars (\$200.00) and not more than seven hundred fifty dollars (\$750.00) for each violation thereof.
  2. Each violation of this ordinance, or everyday a violation continues to exist, shall constitute a new or separate violation.  
(Ord. 11-32, 3-5-12)

## 6-2-29 EXHIBIT A

POW	K Royal	New K3 Sea Improved
Spice Gold	Spicylicious	New-Kron Bomb
Swagger Grape	Shanti Spice	Cherry Bomb
Spice Gold	K3 Grape	Rebel Spice
Pulse	K3 Strawberry	Mega Bomb
Black Mamba	K3 Blueberry	Mr. Smiley's
Naughty Nights	Earthquake	Summer Skyy
K2 Watermelon	Ocean Blue	Moe Joe Fire
Green Monkey Chronic Salvia	G Four	Fully Loaded
Voodoo Remix	Wood Stock	Da Block
G Greenies Caramel Crunch	K3 Legal	Back Draft
Black Diamond	Who Dat	K1 Orbit
Blueberry Hayze	Dark Night II	K1 Gravity
Eruption Spice	Spike 99 Ultra	C3
Love Strawberry	2010	SYN Incense Smooth
Voodoo Child	Zombie World	SYN Incense Spearmint
Mid-Atlantic Exemplar	SYN Swagg	SYN Incense LemonLime
K2 Summit	SYN Smooth	Super Summit
Magic Dragon Platinum	SYN Spearmint	D-Rail
Fire Bird Ultimate Strength	SYN Spearmint #2	K2 Peach
Cinnamon	SYN Chill	Funky Monkey
Nitro	SYN Suave	K2 Summit Coffee Wonk
Black Magic Salvia	Heavenscent Suave	K3 Legal - Original (Black)
K2 Strawberry	SYN Vanilla	K3 Legal - Sun (Black)
K2 Blueberry	SYN Vanilla #2	K3 Legal - Sea (silver)
Wicked X	SYN Lemon Lime	K3 Legal - Earth (silver)
Shanti Spice Bluberry	SYN Lemon Lime #2	K2 Cloud 9
Aztec Midnight Wind Tezcatlipoca	New K3 Improved	Greenies Strawberry
Sativah	C4 Herbal Incense	K2 Blonde
Mid-Atlantic Exemplar (K2 Summit)	New Improved K3 Cosmic Blend	K2 Standard
Aztec Gold	New Improved K3 Dynamite	K2 Citron
Ultra Cloud 10	New Improved K3 Kryptonite	K2 (unknown variety)
Colorado Chronic	Utopia	K2 Summit
K3 Kryptonite	Utopia-Blue Berry	Space
Funky Monkey XXXX	Euphoria	K2 Blue
K2 Blue	Who Dat Herbal Incense	K2 Pink
K2 Blonde	Love Potion 69	K2 Latte
K2 Pink	Legal Eagle	K2 Mint
K2 Citron	K2 Standard	K2 Silver
K2 Mellon	Super Kush	K2 Peach
K2 Pineapple	Bayou Blaster	Spike Gold
K2 Standard	Paradise	Spike Maxx
K2 Summit	Red Bird	Spike Diamond
S1. S Werve	Magic Spice	Spike Silver
Chronic Spice	Voodoo Magic	K2 Strawberry
K3 Mango	Texas Gold	K2 Pineapple Express
K3 Original	Demon	K2 Blueberry
XTREME Spice	K3	K2 Pink
Stinger	K2 Pink Panties	K2 Blonde
Pulse	Heaven Improved	K2 Summit
Mystery	K3 Sun	K2 Citron
Bad 2 the Bone	K3 Dusk	K2 Ultra
Dragon Spice	K3 Original Improved	K2 Blue
Samurai Spirit	K2 Summit	MNGB Tropical Thunder
Buzz	New K3 Heaven	MNGB Pinata Colada
Midnight Chill	New K3 Earth	MNGB Almond/Vanilla

MNGB Peppermint	Skunk
MNGB Spear Mint	Sence
p.e.p. pourri Twisted Vanilla	EX-SES Platinum Blueberry
p.e.p. pourri Original Spearmint	EX-SES Platinum Cherry
p.e.p. pourri Love Strawberry	EX-SES Platinum Strawberry
p.e.p. pourri X Blueberry	EX-SES Platinum Vanilla
K2 Summit	Magic Silver
Voo Doo Remix (orange package)	Apice Artic Synergy
Voo Doo Remix (black package)	Spice Diamond
Banana Cream Nuke	Spice Gold
K4 Silver	Spice Tropical Synergy
K4 Gold	Spicey Regular XXX Blueberry
K3 Heaven Improved	Spicey Regular XXX Strawberry
K3 Heaven Legal	Spicey Ultra Strong XXX Vanilla
K3 Sun Legal	Spicey Ultra Strong XXX Strawberry
K3 Sun Improved	Spike 99 Ultra Blueberry
K3 Kryptonite	Spike 99 Ultra Cherry
K3 XXX	Spike 99 Ultra Strawberry
K3 Cosmic Blend	Spicey Ultra Strong XXX Vanilla
K3 Original	EX-SES Platinum Strawberry
C4	Spice Gold
K1 Gravity	Chill Out
K1 Orbit	Smoke
K2 Pina Colada	Forest Humus
Rasta Citrus Spice	Scope Vanilla
Kind Spice	Scope Wildberry
Time Warp	Chill X
Pink Tiger	Space
Humboldt Gold	Silent Black
K2 Orisha Regular	Sence
K2 Orisha Max	Smoke
K2 Orisha Super	Caneff
K2 Amazonian Shelter	Spice Gold
K2 Solid Sex on the Mountain	Gold Spirit Spice
Midnight Chill	Yucatan Fire
Unknown cigarette	Magic Gold
Freedom	Spice Diamond
K2 Sex	Bombay Blue
K2 Orisha White Magic Super	Dream
K2 Orisha Black Magic Max	Smoke Plus
K2 Thai Dream	Spice Tropical Synergy
K4 Bubble Bubble	Magic Silver
MTN-787	Diamond Spirit
K2 Kryptonite	Mojo
Legal Eagle Apple Pie	Genie
K4 Purple Haze	Spike 99
K4 Summit Remix	Potpourri Gold
8-Ball	Jamaican Gold
C4	Potpourri
K2	Winter Boost
Tribal Warrior	Citrus
Spike99	Spice Gold
exSES	Spicey XXX
Spice Silver	Spike 99
Spice Gold	EX-SES Platinum
Spice Diamond	
Yucatan Fire	
Smoke	

6-2-30: **ATV'S, MOPEDS, MOTOR DRIVEN CYCLES, OFF-HIGHWAY MOTORCYCLES, AND SNOWMOBILES ON RESIDENTIAL PROPERTY:**

(A) Definitions, as used in this chapter:

1. *ATV* means an all terrain vehicle as defined in Section 5/1-101.8 of the Illinois Vehicle Code.
2. *Motorcycle* means a motor vehicle as defined in Section 5/1-147 of the Illinois Vehicle Code.
3. *Moped* as defined in Section 5/1-148.2 of the Illinois Vehicle Code.
4. *Motor Driven Cycle* as defined in Section 5/1-145.001 of the Illinois Vehicle Code.
5. *Off-Highway Motorcycles* as defined in Section 5/1-153.1 of the Illinois Vehicle Code.
6. *Residentially Zoned Area* means any parcel of land, or portion thereof, within any "residential" zoning district as defined in Title 10 Chapter 5 of this Code, except areas zoned R-S with acreage of 5 acres or more.
7. *Vehicles* for purposes of this chapter means Motorcycles, ATV's, Mopeds, Motor Driven Cycles, Off-Highway Motorcycles, and Snowmobiles.

(B) Operation of Vehicles: No person shall operate any vehicle as defined in Paragraph A upon private property in a residentially zoned district within the Village at any time, excluding a driveway, a garage, or paved private streets, regardless of whether such vehicle is licensed or unlicensed.

(C) Use of property for the operation of vehicles prohibited: No owner or resident of private property in a residentially zoned area within the Village shall use their property, or permit their property to be used by any other person, for the operation of any vehicle. This shall not preclude the use of a garage, a driveway, or paved private streets.

(D) Exemptions: The following uses of vehicles are exempt from the provisions of this chapter:

1. The operation of publicly-owned or emergency vehicles or motorcycles by public officers or emergency personnel in the course and scope of their employment.
2. The operation of any vehicles associated with the maintenance of real property of lawful uses thereon.
3. The operation of any vehicle associated with construction, repair, remodeling, or grading of any real property.
4. The operation of any vehicle associated with normal and customary yard maintenance. (Ord. 13-01, 6-3-13)

6-2-31: **ILLEGAL DUMPING AT LAWN WASTE DISPOSAL SITE:** It shall be unlawful for any person to dump any lawn waste or other material at the Village of Morton's lawn waste disposal site at any time except during the posted hours of operation of the lawn waste disposal site. During posted hours of the lawn waste disposal site it shall be unlawful for any person to dump any material other than lawn waste which meets all posted requirements, rules and regulations. It shall be unlawful to dump at the Village's lawn waste disposal site any screws, nails, garbage, refuse, bricks, concrete, metal of any kind or other material other than lawn waste. Any person who violates the provisions of this Section shall be subject to arrest, and upon conviction shall be subject to a fine of not less than \$150.00 not more than \$750.00, except that where said person has been convicted of this offense at any prior time there shall be added to said minimum fine the amount of \$50.00 for each such prior conviction. (Ord. 17-22, 11-6-17)

## CHAPTER 3

**ANIMALS**

## SECTION:

- 6-3-1: License Required
- 6-3-2: Tags
- 6-3-3: Owner
- 6-3-4: Running At Large
- 6-3-5: Muzzles
- 6-3-6: Dog Or Cat Bites
- 6-3-7: Impounding
- 6-3-8: Penalty For Dog Or Cat Bites
- 6-3-9: Cruelty
- 6-3-10: Offensive Odors
- 6-3-11: Prohibition Of Certain Animals

6-3-1: **LICENSE REQUIRED:** Every person who harbors or keeps a dog over the age of three (3) months in the Village shall pay an annual tax on such dog of five dollars (\$5.00), which tax shall be paid in advance on or before the first day of May of each year.<sup>1</sup> (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74; amd. Ord. 05-51, 4-17-06)

6-3-2: **TAGS:** The Chief of Police of the Village shall keep a record of all dog taxes paid and shall furnish to each person paying such tax a metal or suitable plastic tag having stamped thereon numbers indicating the year for which the tax is paid. A duplicate to replace a lost or destroyed tag may be issued by the Chief of Police upon the payment of one dollar (\$1.00).

The tax required by this Section shall be paid to the Chief of Police and shall be by him turned over to the Treasurer.

It shall be unlawful to permit any dog to be on any public street, sidewalk, alley, or other public place unless such dog has a collar firmly attached around his neck with a license tag for the current year attached to such collar and a tag showing rabies inoculation for the current year. Likewise it shall be unlawful to permit any cat to be on such places unless such cat has a collar firmly attached around his neck with a tag showing rabies inoculation for the current year attached to such collar. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-3: **OWNER:** For the purpose of definition, any person who shelters, harbors, feeds, encourages, or permits a dog or cat to remain at, near, or about his premises or living quarters shall be deemed the owner or keeper of such dog or cat and responsible therefor. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-4: **RUNNING AT LARGE:** It shall be unlawful for any person owning, keeping, or possessing any dog or cat within the Village to own, keep, or possess a dog or cat which is running at large. It shall not be a defense that the owner or possessor of such a dog or cat did not permit such dog or cat to run at large.

If any dog or cat shall be found upon the private premises of any other person than the owner or keeper of such dog or cat, the dog or cat shall be deemed running at large unless firmly held on a leash or in an enclosed vehicle.

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<sup>1</sup> For Statute authority, see S.H.A. 65 ILCS 5/11-20-9.

All dogs or cats running at large in the Village are hereby declared to be a public nuisance and shall be apprehended and impounded, and, if not redeemed, destroyed. (Ord. 80-5, 6-2-80)

This Section shall not apply to any dog performing duties for any law enforcement agency. (Ord. 95-30, 11-20-95)

6-3-5: **MUZZLES:** Whenever the President, by proclamation, shall declare that danger from rabies is great, it shall be unlawful to permit any dog or cat to be upon any public street, alley, or sidewalk, or other public place unless such dog or cat is securely muzzled. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-6: **DOG OR CAT BITES:** It shall be the duty of the owner or keeper of any dog or cat to prevent such dog or cat from biting or attacking any person in the Village, and if a person is bitten by a dog or cat he shall report the incident to the Police Department immediately.

Any dog or cat which may unprovokedly bite or attack any person in the Village is hereby declared to be a public nuisance and such dog or cat may be apprehended by a police officer or other person charged with the enforcement of this Chapter.

If an owner or keeper has notice that his dog or cat has bitten any person, it shall be unlawful for such owner to kill such dog or cat, or sell or give such dog or cat away, or to permit or allow such dog or cat to be taken beyond the limits of the Village except to a licensed veterinarian, but it shall be the duty of such owner or keeper to immediately report the incident to the Police Department and to immediately place such dog or cat with a licensed veterinarian where such dog or cat shall be quarantined for a period of at least ten (10) days, or upon the request of any police officer or other person charged with the enforcement of this Chapter to deliver such dog or cat to them for such placement. The owner or keeper shall immediately furnish the Police Department with the name and location of said licensed veterinarian and a certificate of said licensed veterinarian stating whether or not such dog or cat shows symptoms of rabies. At the expiration of the quarantine period, and prior to the release of such dog or cat the owner shall furnish the Police Department with another certificate of said licensed veterinarian stating that such dog or cat does not have rabies. All costs of maintaining such dog or cat with a licensed veterinarian shall be the obligation and responsibility of the owner or keeper and shall be paid by such owner or keeper.

In all cases where any dog or cat has bitten a person and is slain or dies within ten (10) days from the time of the bite, it shall be the duty of the person slaying such dog or cat and the owner of such dog or cat to notify the Police Department and to immediately deliver the head of such dog or cat intact to said Department, or cause the same to be done. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)

6-3-7: **IMPOUNDING:** Any dog or cat running at large, or any dog on a public street, walk, or other public place without current license and rabies inoculation tags on its collar, or any cat found in such places that it is not currently inoculated against rabies shall be impounded by the Police Department.

The Chief of Police or someone designated by him upon impounding any dog or cat shall make a registry entering the breed, color, and sex of such dog or cat and whether displaying a license tag; and if licensed he shall enter the name and address of the owner or keeper and number of the license tag and if bearing an inoculation tag the number of such tag shall be recorded.

When any licensed dog shall be impounded the Chief of Police shall forthwith give notice by mail to the owner or keeper or such licensed dog, informing such owner or keeper of the impounding of his dog and that if such dog be not redeemed within four (4) days of the date of such notice, such dog may be destroyed. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74)



All dogs or cats impounded shall be impounded four (4) days and if not redeemed shall be destroyed. The owner or keeper of any dog or cat so impounded may redeem such dog or cat from the Morton Police Department upon cash payment of a fee as follows: If the animal has been transported to the Tazewell County Animal Shelter, a fee of fifty dollars (\$50.00). The owner shall also pay any fee owed to the Animal Shelter for care of the animal while impounded. The owner is also responsible for return transportation of the animal from the Animal Control Shelter. If the animal has not been transported to the Animal Shelter and remains at the Morton Police Department, a fee of fifteen dollars (\$15.00). A certificate of a licensed veterinarian certifying that such dog or cat is currently inoculated against rabies must be shown the Chief of Police before the impounded animal can be released. Any dog must be currently licensed before release. Upon proof of current rabies inoculation and current dog license and full payment of the required charges the Chief of Police will issue a permit for release of the dog or cat at whatever shelter or pound it has been placed pending redemption and destruction. (Ord. 359, 6-21-65; amd. Ord. 628, 11-4-74; Ord. 91-10, 11-18-91; amd. Ord. 05-52, 4-17-06)

The Village shall contract directly for the sheltering and impounding and destruction of such animals and may do so with persons or places in or outside the Village limits. (Ord. 359, 6-21-65)

6-3-8: **PENALTY FOR DOG OR CAT BITES:** In addition to the other provisions of this Chapter or any applicable State statute, the owner or keeper of a dog or cat which, without provocation, bites, nips, or attacks a human being or another dog or cat shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). If a dog or cat has previously bitten, nipped, or attacked a human being or another dog or cat, and the owner or keeper has been convicted of a violation of this Section or paid a fine and received supervision, then on a second violation, the owner or keeper of such dog or cat, if convicted, shall pay a fine of seven hundred fifty dollars (\$750.00). (Ord. 95-42, 4-15-96; amd. Ord. 99-37, 12-6-99)

6-3-9: **CRUELTY:**

- (A) It shall be unlawful for any person to instigate, cause, procure, or encourage any fight between animals, either in private or in public.
- (B) It shall be unlawful for any person to treat any animal within the Village in any cruel manner whatsoever, including, but not limited to abandoning, beating, underfeeding, or improperly caring for any animal. (Ord. 00-25, 9-5-01)

6-3-10: **OFFENSIVE ODORS:** It shall be unlawful for any person to cause or permit offensive odors to emanate from the premises where he keeps any animal. (Ord. 00-25, 9-5-01)

6-3-11: **PROHIBITION OF CERTAIN ANIMALS:**

- (A) It shall be unlawful for any person to own, use, keep, or permit to be at large within the Village any of the following animals: bees, pigeons, horses, cattle, sheep, ponies, mules, goats, pigs, swine, hogs, ducks, geese, chickens, fur-bearing and game animals, or any other livestock or poultry or any wild or vicious animals dangerous to mankind.
- (B) Any animal named above which is found at large within the Village shall be impounded, if possible; provided, however, that whenever any police officer believes such animal endangers any person, such animal may be killed by said officer.
- (C) In addition to any other penalties imposed upon any person violating this section, such person shall also be liable for the costs of impounding or killing such animal, if necessary. (Ord. 00-25, 9-5-01)



## CHAPTER 4

**MINORS**

## SECTION:

- 6-4-1: General Curfew
- 6-4-2: Arrests, Notification
- 6-4-3: Investigation Of Minors; Welfare
- 6-4-4: Misrepresentation Of Age
- 6-4-5: Possession Of Liquor
- 6-4-6: Consumption Of Liquor
- 6-4-7: Parental Responsibility

6-4-1: **GENERAL CURFEW:**

- (A) It is unlawful for a person less than (17) years of age to be present at or upon any public assembly, building, business, street, highway or other public place or way at the following times:
1. Between one minute after twelve o'clock (12:01) midnight and six o'clock (6:00) A.M. Saturday;
  2. Between one minute after twelve o'clock (12:01) midnight and six o'clock (6:00) A.M. Sunday; and (Ord. 80-5, 6-2-80)
  3. Between eleven o'clock (11:00) P.M. Sunday and six o'clock (6:00) A.M. Monday.
  4. Between eleven o'clock (11:00) P.M. Monday and six o'clock (6:00) A.M. Tuesday.
  5. Between eleven o'clock (11:00) P.M. Tuesday and six o'clock (6:00) A.M. Wednesday.
  6. Between eleven o'clock (11:00) P.M. Wednesday and six o'clock (6:00) A.M. Thursday.
  7. Between eleven o'clock (11:00) P.M. Thursday and six o'clock (6:00) A.M. Friday.
- (B) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:
1. accompanied by the child's parent, legal guardian, custodian, sibling, stepbrother or stepsister at least (18) years of age;
  2. accompanied by an adult at least (21) years of age approved by the child's parent, guardian, or custodian;
  3. participating in, going to, or returning from:
    - a. employment which the laws of this state authorize a person less than (17) years of age to perform;
    - b. a school recreational activity;
    - c. a religious event;

- d. an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;
- e. an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both;
- f. an activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults

A citation for violation of Subsection (a) of the Section may be issued by a Police Officer only if he reasonably believes that a violation has occurred and none of the defenses enumerated in Subsection (b) apply.

- (C) It is unlawful for a parent, legal guardian, custodian, or other person to knowingly permit a person in his custody or control to violate the provisions of Subsection (a) of this Section. It shall be a rebuttable presumption that a person has violated this Section if someone under (17) years of age of whom such person has custody or control is present upon any public assembly, building, business, street or highway or other public place or public way in violation of Subsection (a) of this Section, and none of the defenses enumerated in Subsection (b) hereof apply.
- (D) Any person violating the provisions of the Section shall be subject to arrest and, upon conviction, shall be fined not less than seventy five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), except where said person has been convicted of this offense or received supervision for this offense at any prior time, the fine for any subsequent offense shall be not less than one hundred fifty dollars (\$150.00) nor more than seven hundred fifty dollars (\$750.00). (Ord. 03-48, 5-3-04)

6-4-2: **ARRESTS, NOTIFICATION:** Each member of the Police Department while on duty is hereby authorized to arrest, without warrant, any person violating the provisions of Section 6-4-1 of this Chapter, and to detain such minor person for a reasonable time, or until a complaint can be made and a warrant procured and served.

It shall be the duty of the Police Department to notify the parent, guardian, or person having custody or control of such minor person of the arrest of such minor person as soon as practicable after such arrest. (Ord. 80-5, 6-2-80; amd. Ord. 03-48, 5-3-04)

6-4-3: **INVESTIGATION OF MINORS; WELFARE:** It shall be the duty of the Chief of Police and police officers, upon the arrest of any child or minor person, where the parent, guardian, or other person having the custody and control has refused to be responsible for said minor person in violation of this Chapter to inquire into the facts, conditions, and circumstances of such minor person; and if it shall appear that such minor person, for want of or improper parental care, is growing up in mendicancy or vagrancy or is incorrigible, to cause the proper proceedings to be had and taken by the appropriate courts and juvenile authorities having jurisdiction over the custody and welfare of such minors as by the statutes of this State made and provided. (Ord. 80-5, 6-2-80)

6-4-4: **MISREPRESENTATION OF AGE:** It shall be unlawful for any minor to do any of the following:

- (A) To represent that he is of the statutory age for the purpose of asking for, purchasing, or receiving any intoxicating liquor from any keeper or operator of any tavern or establishment where intoxicating liquors are sold.
- (B) To present an identification card that has been altered or defaced, or use the identification card of another, or to carry or use a false or forged identification card for the purpose of obtaining any intoxicating liquor.

Any such minor who violates this Section shall be subject to arrest and, upon conviction, shall be fined not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00). Where said person has been convicted of this offense, or given court supervision for this offense, at any prior time, there shall be added to the minimum fine the amount of one hundred dollars (\$100.00) for each additional violation, subject to a maximum of seven hundred fifty dollars (\$750.00).<sup>1</sup> (Ord. 96-27, 10-21-96; amd. Ord. 99-37, 12-6-99)

6-4-5:       **POSSESSION OF LIQUOR:** It shall be unlawful for any person under the age of twenty one (21) years to have in his possession any alcoholic beverage in the Village limits of the Village of Morton. Except that possession and dispensing, or consumption by such person of alcoholic beverages in the performance of a religious service or ceremony, or the consumption under the direct supervision and approval of the parents or parent of such person in the privacy of a home, is not prohibited by this Section. (Ord. 80-5, 6-2-80)

Any such minor who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00), except that where said person has been convicted of this offense at any prior time, or received supervision for this offense at any prior time, there shall be added to said minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction, subject to a maximum of seven hundred fifty dollars (\$750.00). (Ord. 96-27, 10-21-96; amd. Ord. 99-37, 12-6-99)

6-4-6:       **CONSUMPTION OF LIQUOR:** It shall be unlawful for any person under the age of twenty one (21) years to consume any alcoholic beverage in the Village limits of the Village of Morton. Except the possession and dispensing, or consumption by such person of alcoholic beverages in the performance of a religious service or ceremony, or the consumption under the direct supervision and approval of the parent or parents of such person in the privacy of a home, is not prohibited by this Section. (Ord. 80-5, 6-2-80)

Any such minor who violates the provisions of this Section shall be subject to arrest and, upon conviction, shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than seven hundred fifty dollars (\$750.00), except that where said person has been convicted of this offense at any prior time, or received supervision for this offense at any prior time, there shall be added to said minimum fine the amount of one hundred dollars (\$100.00) for each such prior conviction, subject to a maximum of seven hundred fifty dollars (\$750.00). (Ord. 96-27, 10-21-96; amd. Ord. 99-37, 12-6-99)

6-4-7:       **PARENTAL RESPONSIBILITY:**

(A)       Definitions: As used in this Section, unless the context otherwise requires, the terms specified have the meanings ascribed to them.

LEGAL                   A person appointed guardian or given custody of a minor by the Circuit Court of  
GUARDIAN:             the State, but does not include a person appointed guardian or given custody of a  
                                  minor under the Juvenile Court Act.

MINOR:                 A person who is above the age of eleven (11) years, but not yet eighteen (18)  
                                  years of age.

(B)       The parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have failed to exercise proper parental responsibility and said minor shall have been deemed to have committed the acts described below with the knowledge and permission of the parent or guardian, in violation of this Section, upon the occurrence of the events described in Subsection (B)1, 2, and 3 of this Section:

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<sup>1</sup> For Statute authority, see S.H.A. 235 ILCS 5/10-1.

1. An unemancipated minor residing with said parent or legal guardian shall either be adjudicated to be in violation of any ordinance, law, or statute prohibiting wilful and malicious acts causing injury to a person or property, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute prohibiting wilful and malicious acts causing injury to a person or property; and
  2. Said parent or legal guardian shall have received a written notice thereof, either by certified or registered mail, return receipt requested, or by personal service, with a certificate of personal service returned, from the Police Department of the Village following said adjudication or nonjudicial sanctions; and
  3. If at any time within one year following receipt of notice set forth in Subsection (B)2 of this Section, said minor is either adjudicated to be in violation of any ordinance, law, or statute as described in Subsection (B)1 of this Section, or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law, or statute as described in Subsection (B)1 of this Section.
- (C) Any person convicted of any violation of the provisions of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Ord. 80-5, 6-2-80; amd. Ord. 99-37, 12-6-99)

CHAPTER 7  
**SHOOTING EVENTS**

## SECTION:

- 6-7-1: License Required
- 6-7-2: Application
- 6-7-3: License Fee
- 6-7-4: Revocation

6-7-1:       **LICENSE REQUIRED:** No person shall conduct or operate any indoor or outdoor gun club, shooting club, rifle, shotgun, skeet, or pistol event, without first procuring a license from the Police Department.

6-7-2:       **APPLICATION:** When application for license is made the Chief of Police or his designee, shall cause to be made an inspection of the premises in or upon which it is intended to conduct or operate such gun club, shooting club, rifle, shotgun, skeet, or pistol event, to determine whether or not such premises are properly located, and are of sufficient size, and that the targets and other equipment of such premises will be placed, kept, and maintained in such premises, and in such condition as to produce the maximum of safety to the persons using such premises, and the public at large. In the event these requirements are not met, a license shall not be issued. The Chief of Police or his designee may also impose such conditions, as he deems appropriate to insure the safety of the participants and the public.

6-7-3:       **LICENSE FEE:** A license fee of twenty-five dollars (\$25.00) shall be paid for a specified event and is good only for that event. An annual license fee of one hundred dollars (\$100.00) shall be due for any outdoor gun club and shall be renewable annually.

6-7-4:       **REVOCAION:** Any license may automatically be revoked by the Chief of Police or his designee if there is any violation of any law, or if the club or event is not conducted in conformity with the application or other conditions imposed upon the granting of the license. In the event of revocation there shall be no refund of any fee paid. (amd. Ord. 04-20, 7-19-04)





## CHAPTER 9

**POSSESSION OR CONSUMPTION OF TOBACCO OR ELECTRONIC CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS BY MINORS**

## SECTION:

- 6-9-1: Definitions  
 6-9-2: Sales; Delivery  
 6-9-3: Purchases  
 6-9-4: Possession Or Consumption  
 6-9-5: Exemption  
 6-9-6: Penalty

6-9-1: **DEFINITIONS:** For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

“Tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco. (Ord. 97-7, 6-16-97)

“Electronic Cigarette” is a battery-powered device which simulates tobacco smoking. It uses a heating element called an atomizer that vaporizes a liquid solution. An ‘Electronic Cigarette’ includes devices known as personal vaporizer or electronic nicotine delivery system. (Ord. 14-02, 5-5-14)

“Alternative Nicotine Product” is a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. This does not include tobacco products as that term is defined in this Section or any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medicinal purposes. (Ord. 14-02, 5-5-14)

6-9-2: **SALES; DELIVERY:** It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco products or electronic cigarettes or alternative nicotine products to any person under the age of eighteen (18) years. (Ord. 14-02, 5-5-14)

6-9-3: **PURCHASES:** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products. (Ord. 97-7, 6-16-97)

6-9-4: **POSSESSION OR CONSUMPTION:** It shall be unlawful for any person under the age of eighteen (18) years to possess or consume any tobacco products or electronic cigarettes or alternative nicotine products. (Ord. 14-02, 5-5-14)

6-9-5: **EXEMPTION:** The provisions of Sections 6-9-2 and 6-9-4 of this Chapter do not apply to a person under the direct supervision of his or her parent or legal guardian in the privacy and confines of the parent’s or guardian’s home. (Ord. 97-7, 6-16-97)

6-9-6: **PENALTY:** Any person who violates any provision of this Chapter shall be subject to the following fines:

- (A) Twenty five dollars (\$25.00) for the first offense.  
 (B) Fifty dollars (\$50.00) for a second offense within a twelve (12) month period.

- (C) One hundred dollars (\$100.00) for a third and subsequent offense within a twelve (12) month period.
- (D) Notwithstanding the foregoing, the penalty for the sale of a tobacco product or electronic cigarette or alternative nicotine product to a person under the age of eighteen (18) years shall be one hundred dollars (\$100.00) for the first offense. The penalty for any subsequent offense shall be a minimum of two hundred dollars (\$200.00) and a maximum of seven hundred fifty dollars (\$750.00)

The twelve (12) month period shall be measured from the date of conviction of any offense. (Ord. 97-7, 6-16-97; amd. Ord. 00-47, 2-5-01; Ord. 14-02, 5-5-14)

## CHAPTER 10

**PARKING OR STORING JUNK, INOPERABLE  
MOTOR VEHICLES, AND MOTOR VEHICLE PARTS**

## SECTION:

- 6-10-1: Definition
- 6-10-2: Parking And Storing Prohibited
- 6-10-3: Motor Vehicle Parts
- 6-10-4: Nuisance
- 6-10-5: Notice To Abate
- 6-10-6: Action On Noncompliance
- 6-10-7: Liability For Expense Of Disposal
- 6-10-8: Penalty

6-10-1: **DEFINITION:** As used in this Chapter, “inoperable motor vehicle” means any motor vehicle from which, for a period of at least seven (7) days, the engine, wheels, or other parts have been removed, or on which the engine, wheels, or other parts have been altered, damaged, or otherwise so treated that the vehicle is incapable of being driven under its own motor power. “Inoperable motor vehicle” shall not include a motor vehicle which has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations. A motor vehicle shall also be considered inoperable upon which is displayed an Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under 625 ILCS 5/3-414 and 625 ILCS 5/3-414.1. (Ord. 88-15, 9-19-88; amd. Ord. 99-46, 2-21-00)

6-10-2: **PARKING AND STORING PROHIBITED:** Inoperable motor vehicles may not be parked, stored, or left in the open on private property unless it is necessary for the operation of a business enterprise lawfully conducted thereon. (Ord. 80-5, 6-2-80; amd. Ord. 88-15, 9-19-88)

6-10-3: **MOTOR VEHICLE PARTS:** Storing, placing, or allowing to remain in the open on streets, alleys, or private property of motor vehicle bodies, parts, equipment, motors, and materials for a period of more than forty eight (48) hours in any one (1) calendar month is hereby prohibited unless necessary for the operation of a business enterprise lawfully conducted thereon. (Ord. 80-5, 6-2-80)

6-10-4: **NUISANCE:** Parking or storing of inoperable motor vehicles and the storing or allowing same to remain in the open of motor vehicle bodies, parts, equipment, motors, and materials, in violation of Title 6, Chapter 10, Section 2, and Title 6, Chapter 10, Section 3 is hereby declared to constitute a public nuisance. (Ord. 80-5, 6-2-80; amd. Ord. 88-15, 9-19-88)

6-10-5: **NOTICE TO ABATE:** The Village Police Chief, or a member of the Morton Police Department designated by the Village Police Chief, is hereby authorized and empowered to notify the person in control of any private property to relocate any inoperable vehicles parked or stored in violation of Section 6-10-2 of this Chapter to a completely enclosed location on the property or otherwise to remove the same from the premises. Said Village Police Chief or a member of the Morton Police Department designated by the Village Police Chief, is also hereby authorized and empowered to notify the person in control of any private property to relocate any motor vehicle bodies, parts, equipment, motors, and materials stored, placed, or allowed to remain in the open in violation of Section 6-10-3 of this Chapter to a completely enclosed location on the property or otherwise to remove the same from the premises. Such notice shall be given by certified or registered mail addressed to the residence or usual place of business of such person, or may be posted on the premises where the violation exists. (Ord. 88-15, 9-19-88)

6-10-6:       **ACTION OF NONCOMPLIANCE:** After the expiration of ten (10) days from the receipt of the notice provided for in the preceding Section or the posting of said notice, if the person so notified has failed, neglected, or refused to comply with the directions of such notice, the Village is hereby authorized and empowered to pay for the removal and disposal of such vehicles, bodies, parts, and the like, or to order the removal and disposal by the Village. (Ord. 80-5, 6-2-80; amd. Ord. 88-15, 9-19-88)

6-10-7:       **LIABILITY FOR EXPENSE OF DISPOSAL:** In the event the Village is required to remove and dispose of the vehicles, bodies, parts, and the like, the person in control of the premises shall be liable to the Village for the expense incurred by the Village. A statement shall be rendered to the person liable for the cost thereof and if not paid, suit shall be instituted.

6-10-8:       **PENALTY:** Any person who violates the provisions of Section 6-10-2 or 6-10-3 of this Chapter or who fails, neglects, or refuses to comply with the notice provided in Section 6-10-5 of this Chapter shall, upon conviction, be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense and each day any such violation shall continue shall constitute a separate offense. The penalty specified in this Section shall be in addition to the liability for expense provided for in Section 6-10-7 of this Chapter. (Ord. 80-5, 6-2-80; amd. Ord. 98-15, 8-3-98; amd. Ord. 99-37, 12-6-99).

## CHAPTER 11

**DANGEROUS/VICIOUS ANIMALS**

## SECTION:

- 6-11-1: Definitions
- 6-11-2: Dangerous Dog or Cat
- 6-11-3: Vicious Dog or Cat
- 6-11-4: Previous Finding of Dangerous or Vicious by another unit of local government
- 6-11-5: Exclusivity
- 6-11-6: Impoundment Procedures
- 6-11-7: Penalty

6-11-1: **DEFINITIONS:**

**Animal** means every living creature, other than man, which may be affected by rabies.

**Cat** means all members of the family Felidae.

**Confined** means restriction of an animal at all times by the owner, or his agent, to an escape-proof building, house, or other enclosure away from other animals and the public.

**Dangerous Dog or Cat deemed as such by a Hearing Officer**, means any individual dog/cat when unmuzzled, unleashed, or unattended by its owner or custodian that behaves in a manner that a reasonable person would believe poses a serious and unjustified imminent threat of physical injury or death to a person or a companion animal in a public place or on private property other than that of the owner or custodian.

**Dog** means all members of the family Canidae.

**Enclosure**, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a fence that is buried at least twelve inches (12") to eighteen inches (18") below ground level or other structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog or dangerous dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog within the enclosure. Such enclosure shall feature a concrete pad, be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure in any manner. If the enclosure is a room within a residence, the door must be locked. A vicious dog/cat may be allowed to move about freely within the entire residence if it is muzzled at all times.

**Hearing Officer** means the Mayor or his designee.

**Leash** means a cord, chain, rope, strap or other such physical restraint, not to exceed four (4) feet in length when used for a dangerous or vicious dog/cat, and not exceeding ten (10) feet when used for any other animal, and having a minimum tensile strength of not less than three hundred (300) pounds.

**Muzzle** means a device constructed of strong, soft material or a metal muzzle designed to prevent a dog or cat from biting any person or animal. The muzzle must be made in a manner which will not cause injury to the dog or cat or interfere with its vision or respiration, but must prevent it from biting any person or animal.

**Owner** means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care, or acts as its custodian.

**Run Line**, for purposes of a dog/cat deemed vicious by the Hearing Officer, means a system of tying a dog in place with either a rope or chain having a minimum tensile strength of not less than three hundred (300) pounds and not exceeding ten (10) feet in length. The rope or chain must be securely fastened to a permanent, non-movable object and prevent the vicious dog/cat from climbing, digging, jumping or otherwise escaping under its own volition.

**Vicious Dog or Cat** deemed such by a Hearing Officer, means any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other animal either on public or private property; any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; any individual dog/cat that has a trait or characteristic and has a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment; any individual dog/cat which attacks a human being or domestic animal; and any individual dog/cat which has been found to be a dangerous dog/cat upon two (2) separate occasions.

**6-11-2: DANGEROUS DOG OR CAT:**

- (A) A Hearing Officer, or any adult person may request, under oath, that a dog/cat be classified as a dangerous dog/cat by submitting a sworn, written complaint on a form approved by the Hearing Officer. Within three (3) days of receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The owner of the dog/cat shall not dispose of the dog/cat in any manner during an active investigation.
- (B) At the conclusion of the investigation, the Hearing Officer may:
1. Determine that the dog/cat is not dangerous and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or
  2. Determine that the dog/cat is dangerous and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after notification that a dog/cat is dangerous, the officer may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (C) Within five (5) business days after declaring a dog/cat dangerous, the Hearing Officer shall notify the owner of the dog's/cat's designation as a dangerous dog/cat, and of the requirements and conditions for keeping the dog/cat, as set forth herein. The notice shall inform the dog/cat owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the dangerous dog/cat designation notice.
- (D) The Hearing Officer or his designee shall hold a hearing within fifteen (15) days after receiving the dog/cat owner's written request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing to the dog/cat owner and to the complainant by regular mail. The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence to explain why the dog/cat should not be declared a dangerous dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other persons having knowledge of the facts and circumstances, may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include, but not be limited to, the following:
1. Provocation;

2. Severity of attack or injury to a person or domestic animal;
  3. Previous aggressive history of the dog/cat;
  4. Observable behavior of the dog/cat;
  5. Site and circumstances of the incident;
  6. Statements from interested parties;
  7. Any medical records; and,
  8. Veterinary medical records or behavioral records.
- (E) A determination at a hearing that the dog/cat is in fact a dangerous dog/cat as defined herein shall subject the dog/cat and its owner to the provisions of this section.
- (F) Failure of the dog/cat owner to request a hearing shall result in the dog/cat being finally declared a dangerous dog/cat and shall subject the dog/cat and its owner to the provisions of this section.
- (G) If the Hearing Officer or his designee determines that a dog/cat is dangerous at the conclusion of a hearing conducted under section 6-11-2(d), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared dangerous.
- (H) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a dangerous dog/cat unless the person meets the following requirements within two (2) weeks of final finding:
1. Registration of dangerous dog/cat. The owner shall register a dangerous dog/cat within two weeks of the dog/cat being declared dangerous unless a hearing has been requested, during which time these requirements are stayed. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be five hundred dollars (\$500.00).
  2. Insurance. A Certificate of Insurance evidencing coverage in an amount not less than fifty thousand dollars (\$50,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog/cat. The dog/cat owner shall sign a statement attesting that he/she shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.
  3. Permanent identification. Each dangerous dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.
  4. Transfer of ownership. The owner of a dangerous dog/cat shall not transfer ownership of such animal to any other person without first providing the Village Clerk with the name and address of the new owner.

5. Spaying or Neutering: If deemed dangerous, the owner shall be ordered to have the dog/cat spayed or neutered within 14 days at the owner's expense.
  6. Evaluation: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat undergo an evaluation by a certified behaviorist or other recognized specialist in this field, and subsequently complete treatment or training deemed appropriate by the expert. Such costs associated with the above evaluation and treatment/training to be the responsibility of the owner of the dog/cat.
  7. Muzzle: On a final determination that a dog/cat is deemed dangerous, the Hearing Officer or his designee may order that the dog/cat be muzzled whenever it is on public premises in a manner that will prevent it from biting any person or animal, but that shall not injure the dog/cat or interfere with its vision or respiration.
  8. Identification of Owner: Verification of the identity of the owner and current address by providing a photostatic copy of the owner's driver's license.
  9. Identification of dog/cat: Two (2) photographs of the dangerous dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the dangerous dog/cat and shall clearly show the face and ears of the dangerous dog/cat. One (1) photograph shall show a side view of the dangerous dog/cat.
- (I) No person shall permit any dangerous dog/cat to leave the premises of its owner when not under control by leash no longer than four (4) feet in length by an adult eighteen (18) years of age or older or within an enclosed vehicle.
- (J) The owner of any dog/cat found to be dangerous shall maintain such animal in such a manner as to prevent its coming in contact with any person not residing with the owner, unless the dog/cat is getting veterinary care or being boarded at a facility that can ensure all requirements pertaining to a dangerous dog/cat can be continuously maintained during the boarding period.
- (K) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standards for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exempted under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected. It shall be the duty of the owner of the exempted dog to notify the Hearing Officer of changes of address. In the case of a sentry or guard dog, the owners shall keep the Hearing Officer and the Village Clerk advised of the location where such dog will be stationed.

6-11-3: **VICIOUS DOG OR CAT:**

- (A) A vicious dog/cat means any dog/cat found to be a dangerous dog/cat by the Hearing Officer or his designee on two (2) separate occasions, or a dog/cat whose attack is of such a savage nature as to cause serious physical injury, thereby rendering it vicious on its first attack, and shall be reported to the Hearing Officer as such.
- (B) Any individual dog/cat that, when unprovoked, inflicts bites or attacks a human being or other domestic animal either on public or private property.
- (C) Any individual dog/cat with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.



- (D) Any individual dog/cat that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other animals, unless handled in a particular manner or with special equipment.
- (E) A Hearing Officer or any adult person may request under oath that a dog/cat be classified as vicious by submitting a sworn, written complaint on a form approved by the Hearing Officer. Within three (3) days upon receipt of such complaint, the Hearing Officer shall notify the owner of the dog/cat that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.
- (F) At the conclusion of an investigation, the Hearing Officer may:
1. Determine that the dog/cat is not vicious and, if the dog/cat is impounded, waive any impoundment fees incurred and release the dog/cat to its owner; or
  2. Determine that the dog/cat is vicious and, if the dog/cat is impounded, release the dog/cat to the owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within fifteen (15) business days after a final determination that a dog/cat is vicious, the warden may cause the dog/cat to be humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (G) Within five (5) business days after declaring a dog/cat vicious, the Hearing Officer shall give written notice by certified mail, to the dog's/cat's owner of the dog's/cat's designation as vicious. The notice shall inform the owner that he may request, in writing, a hearing to contest the finding and designation within fifteen (15) business days after delivery of the vicious dog/cat designation notice.
- (H) The Hearing Officer or his designee shall hold a hearing within fifteen (15) business days after receiving the dog/cat owner's request for such a hearing. The Hearing Officer or his designee shall provide notice of the date, time and location of the hearing by regular mail to the dog/cat owner and the complainant.
- (I) The hearing shall be conducted informally and shall remain open to the public. At the hearing, the owner shall have the opportunity to present evidence why the dog/cat should not be declared a vicious dog/cat. The owner shall have the right to be represented by legal counsel at the owner's expense. Any other person having knowledge of the facts and circumstances may be heard by the Hearing Officer or his designee and shall be subject to cross examination by the owner or the owner's attorney. The Hearing Officer or his designee shall decide all issues for or against the owner of the dog/cat regardless of whether the owner appears at the hearing. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:
1. Provocation;
  2. Severity of attack or injury to a person or domestic animal;
  3. Previous aggressive history of the dog/cat;
  4. Observable behavior of the dog/cat;
  5. Site and circumstances of the incident;
  6. Statements from interested parties;
  7. Any medical records; and,
  8. Veterinary medical records or behavioral records.

- (J) If the Hearing Officer or his designee determines that a dog/cat is vicious at the conclusion of a hearing conducted under section 6-3-11(i), that decision shall be final unless the dog/cat owner appeals to a court of competent jurisdiction for any remedies that may be available within thirty-five (35) days after receiving notice that the dog/cat has been finally declared vicious.
- (K) It shall be unlawful for any person to keep or maintain any dog/cat which has been found to be a vicious dog/cat unless the person meets the following requirements within ten days of final finding:
1. Registration of vicious dogs/cats. The owner shall register a vicious dog/cat within two weeks of the dog being declared vicious. The dog/cat must be registered by April 1 of each year thereafter. The dog/cat shall be registered with the Village Clerk. The cost of each registration shall be seven hundred fifty dollars (\$750.00).
  2. Insurance. A Certificate of Insurance evidencing coverage in an amount not less than one hundred thousand dollars (\$100,000.00) insuring said person against any claim, loss, damage, or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional, of the vicious dog. The policy shall contain a provision requiring that the city be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a vicious dog/cat. The dog/cat owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during a twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog/cat prior to the expiration date of the permit.
  3. Permanent identification. Each vicious dog/cat shall be injected by a qualified veterinarian, unless already so identified, with a microchip to permanently identify the dog/cat, at the expense of the owner.
  4. Transfer of ownership. No owner or keeper of a vicious dog/cat shall sell or give away a vicious dog/cat.
  5. Enclosure. No person shall own, keep or maintain a vicious dog/cat in an exterior area unless such dog/cat is at all times kept in a enclosed structure constructed and maintained in accordance with this section, except that a vicious dog/cat may be confined outside of a enclosed structure in a manner set forth in subsection (k)(8) herein. A dog/cat found to be a vicious dog/cat shall not be released to the owner until the Hearing Officer or his designee and the Zoning Department approves the enclosure.
  6. Signs. All persons possessing a vicious dog/cat shall display, in a prominent place on the premises where a vicious dog is to be kept, a sign which is readable by the public from a distance of not less than fifty (50) feet using the words "Beware of Vicious Dog/Cat." A similar sign shall be posted on any confinement structure.
  7. No vicious dog/cat may be kept on a porch, patio or in any part of a house or structure that would allow the vicious dog/cat to exit the structure on its own volition. No vicious dog/cat shall be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious dog/cat from exiting the structure.

8. No person shall permit a vicious dog/cat to go outside a enclosed structure, house or other structure unless the vicious dog/cat is securely restrained with a leash no longer than four (4) feet in length and a minimum tensile strength of three hundred (300) pounds and fitted with a muzzle or securely restrained on a run line no longer than ten (10) feet in length and fitted with a muzzle. No person shall permit a vicious dog/cat to be kept on a leash unless a person eighteen (18) years old or older is in actual physical control of the leash and is physically able to control the dog/cat.
  9. The only time that a vicious dog may be allowed out of the enclosure are:
    - a. If it is necessary for the owner or keeper to obtain veterinary care for the dog.
    - b. In the case of an emergency or natural disaster where the dog's life is threatened.
    - c. To comply with the order of a court of competent jurisdiction. In all cases the dog should securely be securely muzzled and restrained with a leash not exceeding six (6) feet in length, and shall be under the direct control and supervision of the owner or keeper of the dog or muzzled in its residence. (amd. Ord. 14-17, 7-21-14)
  10. Spayed or Neutered: Once a dog/cat is found to be a vicious dog/cat, the dog/cat shall be spayed or neutered within ten (10) days of the finding at the expense of its owner.
  11. Verification of the identity of the owner and current address shall be provided by a photostatic copy of the owner's driver's license.
  12. In addition to Permanent Identification set forth under subsection (3) hereof, identity of the vicious dog/cat shall be provided by two (2) photographs of the vicious dog/cat to be licensed taken not more than one (1) month before the date of the application. One (1) photograph shall provide a front view of the vicious dog/cat and shall clearly show the face and ears of the vicious dog/cat. One (1) photograph shall show a side view of the vicious dog/cat.
- (L) The owner of any dog/cat found to be vicious shall maintain such animal in such a manner as to prevent its coming into contact with any person not residing with the owner, except when necessary to obtain veterinary care for the vicious dog/cat or when the vicious dog/cat is being boarded at a facility that can ensure all requirements pertaining to a vicious dog/cat can be continuously maintained during the boarding period.
- (M) No dog/cat shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, anyone assaulting its owner, anyone who has tormented or abused it, or is a professionally trained dog used for law enforcement or guard duties.
- (N) A finding by the Court of the failure to comply with this section will result in the impoundment of any dog/cat which has been found to be a vicious dog/cat and which is not confined in an enclosure by the law enforcement authority having jurisdiction in such area and shall be turned over to a licensed veterinarian or to the Hearing Officer and humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act.
- (O) The owner of all professional guard dogs and animals trained to the same standard as guard dogs for show purposes shall register their animals with the Village Clerk. It shall be the duty of the owner of each such dog to notify the Village Clerk of changes of address and the owner shall keep the Village Clerk advised of the location where such dog will be stationed. The Village Clerk shall provide Police and Fire Departments with a list of such exempted dogs and shall promptly notify such departments of any changes reported to him.

- (P) Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, police-owned dogs, or animals trained to the same standard as guard dogs for show purposes are exempt from this Section; provided, an attack or injury to a person occurs while the dog is performing duties as expected. To qualify for an exemption under this Section, each such dog shall be currently inoculated against rabies and performing duties as expected.
- (Q) If a dog is not properly registered with the Village Clerk under this section there is a rebuttable presumption that the dog does not qualify as a professional guard or show dog.
- (R) The escape from confinement of any vicious dog/cat shall be reported by the owner to the police upon discovery of the escape.
- (S) The biting or nipping of any person or animal by a vicious dog/cat shall be reported by the owner to the police upon occurrence.
- (T) The birth of any offspring of a vicious dog/cat shall be reported by the owner to the police within forty-eight (48) hours of the birth of the offspring.

6-11-4: **PREVIOUS FINDING OF DANGEROUS OR VICIOUS BY ANOTHER UNIT OF LOCAL GOVERNMENT:** If another unit of local government has found a dog or cat dangerous or vicious under its ordinances, rules or statutes with a definition substantially similar to the definition used by this ordinance, then the owner shall within five (5) days of keeping or harboring the dog or cat in the corporate limits of the Village, register the dog or cat in the Village in the same manner as would be required if the Hearing Officer found the dog or cat to be dangerous or vicious. The dog or cat shall immediately be subject to the provisions of this Ordinance for the classification previously determined by the other unit of local government.

6-11-5: **EXCLUSIVITY:** This Chapter shall apply to all dogs or cats deemed or proposed to be deemed dangerous or vicious and the provisions of Title 6, Chapter 3 do not apply. This Chapter does not dispense with the requirement of the owner of a dog or cat to obtain an annual license as provided in Chapter 6-3-1.

6-11-6: **IMPOUNDMENT PROCEDURES:**

- (A) Impounding - General: Any Animal Control officer under contract with the Village may impound dangerous and vicious dogs and cats in accordance with the provisions of this Ordinance or State statute.
- (B) Impounding - Immediate: Following notice to the owner and prior to the date set for hearing, in the event that a law enforcement officer, or any animal control officer, has probable cause to believe that an individual dog/cat is a vicious dog/cat and may pose an immediate threat of serious harm to human beings or other domestic animals, the law enforcement officer or any animal control officer may seize and impound the dog/cat pending disposition of the hearing. The owner of the dog/cat shall be responsible for payment for the costs and expenses of keeping the dog/cat unless the hearing officer finds the dog/cat is neither dangerous nor vicious, in which case no redemption fee is due.
- (C) Redemption of Impounded Dog or Cat:

1. Any person seeking to redeem any impounded animal shall pay a fee of Ten (\$10.00) Dollars if the animal is vaccinated and registered, or a fee of Fifteen (\$15.00) Dollars if the animal is not vaccinated and registered, plus a reasonable maintenance charge for boarding said animal to the animal control office, and in addition, a fee of Fifty (\$50.00) Dollars to the Village Clerk plus rabies fees if required. On the second offense, the fee to the Village Clerk shall be seventy-five (\$75) Dollars. On the third offense, a fee of one hundred (\$100) dollars shall apply. If the owner of the animal does not redeem said animal within five (5) days after notice by mail or otherwise to said owner of the impounding, such animal may be placed for adoption or humanely dispatched pursuant to the Humane Euthanasia in Animal Shelters Act at the discretion of the Hearing Officer. If the animal is adopted by a person other than the owner, said person shall pay all fees and charges which the owner would have been required to pay; except, that in order to facilitate the adoption of impounded animals, the Hearing Officer or his designee may waive said fees. If such fees are waived, the Hearing Officer shall notify the Village Clerk of his/her decision.
2. No dog or cat shall be released for adoption from any animal pound or shelter without being spayed or neutered and tagged, or without a written agreement from the adopter, secured by cash deposit, guaranteeing that such animal will be spayed or neutered and tagged within a reasonable period of time.
3. Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.

6-11-7: **PENALTY:**

- (A) Upon a finding of guilt, the owner or keeper of any animal shall be liable for all damages that may accrue to any other person by reason of any such animal pursuing, chasing, wounding or killing any animal belonging to such other person, provided, however, that no owner or keeper of any animal shall be liable for any damage caused by such animal having rabies or other similar disease unknown to such owner or keeper.
- (B) If an animal, without provocation, attacks or injures any person who is peaceably conducting himself/herself in any place where he/she may lawfully be, the owner or keeper of such animal shall be liable in damages to the person so attacked or injured to the full amount of the injury sustained after a finding by the court of such violation of this Chapter.
- (C) Upon a finding of guilt, the owner or keeper of any animal which damages or destroys any public or private property shall be held liable for the full value of the property damaged or destroyed.
- (D) Any person found guilty of violating, disobeying, neglecting or refusing to comply with, or resisting enforcement of this chapter shall, upon finding thereof, be fined not less than seventy-five dollars (\$75.00) nor more than seven hundred fifty dollars (\$750.00), and for each subsequent offense, such person shall be fined not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00); and such person shall be deemed guilty of a separate offense for each and every day during which said violation continues.
- (E) Upon a finding by the Court of that there has been a violation of, or a disobeying, neglecting or refusing to comply with, or resisting enforcement of any sections of this chapter, such Court shall:
  1. Impose a fine of not less than two hundred dollars (\$200.00) for each offense; and/or,
  2. Order to have the animal in violation impounded; and/or,

3. Order the animal in question to be humanely dispatched.

- (F) Additionally, any person found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses, and other expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the humane dispatch of any such dog pursuant to the Humane Euthanasia in Animal Shelters Act.
- (G) The penalties provided for in this section shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this chapter.
- (H) Any person refusing to redeem an animal that has been impounded shall be prohibited from obtaining any license and/or registration for any other animal until such person pays all fees due on previously owned impounded animals.
- (I) If any subsection, sentence, clause or phrase of this Chapter is, for any reason, found to be unconstitutional or invalid by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

## CHAPTER 12

**DISPOSAL OF ANIMAL WASTE**

## SECTION:

6-12-1: Removal of Dog and Other Animal Defecation From Public and Private Properties

6-12-2: Dumping of Animal Defecation

6-12-1: **REMOVAL OF DOG AND OTHER ANIMAL DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES:** An owner or other person having custody of any dog or any other animal shall not permit said dog or any other animal to defecate on any school ground, public street, alley, sidewalk, tree, park, or any other public grounds, or any private property within the village, other than the premises of the owner or person having custody of said dog or other animal, unless said defecation is removed immediately and without delay. (Ord. 11-20, 8-1-11)

6-12-2: **DUMPING OF ANIMAL DEFECATION:** No dog or other animal defecation or manure shall be dumped or left on any street, alley, sidewalk, nor any open space or lot in any portion of the village; provided, however, that this provision shall not be construed to prohibit the use of manure as fertilizer for lawns and gardens in keeping with ordinary and customary practices, in a manner that does not create a nuisance. (Ord. 11-20, 8-1-11)





**TITLE 7**  
**HEALTH AND SANITATION**

Subject	Chapter
(Reserved For Future Use) . . . . .	1
Garbage and Refuse . . . . .	2
(Reserved For Future Use) . . . . .	3



## CHAPTER 2

**GARBAGE AND REFUSE**

## SECTION:

7-2-1:	Supervision
7-2-2:	Accumulation Prohibited
7-2-3:	Definition Of Garbage
7-2-4:	Sweeping Litter Into Gutters And Streets; Merchants
7-2-5:	Offensive Substances
7-2-6:	License; Fee
7-2-7:	Revocation
7-2-8:	Dumping
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7-2-10:	Collection
7-2-11:	Scope
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7-2-14:	Replacement Of Recycling Bins
7-2-15:	Title To Recycling Bins
7-2-16:	Unlawful Removal Of Recyclable Material
7-2-17:	Unlawful Damage To Village Recycling Containers
7-2-18:	Disposal Of Landscape Waste
7-2-19:	Prohibition On Removal Of Prepaid Bags Or Stickers
7-2-20:	Combustible Refuse
7-2-21:	Definition Of Litter
7-2-22:	Definition Of Rubbish
7-2-23:	Litter In Public Places
7-2-24:	Throwing Litter From Vehicles
7-2-25:	Litter Collection In Storage Areas
7-2-26:	Notice To Remove Litter
7-2-27:	Action Upon Noncompliance
7-2-28:	Liability For Expense Of Removal By Village
7-2-29:	Unlawful Deposits
7-2-30:	Construction Sites
7-2-31:	Penalty

7-2-1:       **SUPERVISION:** All matters relating to or affecting the collection, removal, or disposal of garbage, household refuse, ashes, yard waste, or any other waste material shall be subject to such rules and regulations as the President and Board of Trustees may from time to time provide. (Ord. 81-33, 1-4-82; amd. Ord. 90-3, 6-18-90)

7-2-2:       **ACCUMULATION PROHIBITED:** The owner, occupant, or lessee of any premises in the Village shall remove from said premises or otherwise dispose of all garbage, dead rodents, animals or fowls, ashes, tin cans, metalware, broken glass, crockery, stoneware, manure, and all refuse and rubbish of every description whatsoever and shall keep said premises at all times free and clear of any accumulation of garbage, dead rodents, animals or fowls, ashes, tin cans, metalware, broken glass, crockery, stoneware, manure, and all refuse and rubbish of every description whatsoever. Dumping of rubbish on vacant property or on streets, alleys, or other public places is prohibited. (1944 Code, Sec. 274)

7-2-3: **DEFINITION OF GARBAGE:** Garbage is defined to include all organic, household or kitchen waste such as unused food and food residues, and any paper used for wrapping.<sup>1</sup> Said garbage shall be removed from the premises weekly as near as practical throughout all the months of the year. Garbage receptacles must be of galvanized metal with close fitting covers, or of other material practical for such purposes, and said receptacles shall be watertight and shall have a capacity of not to exceed thirty two (32) gallons, and shall be kept in a sanitary condition. Ashes and other waste materials shall be placed in containers suitable for handling. (1944 Code, Sec. 275; amd. Ord. 90-3, 6-18-90)

7-2-4: **SWEEPING LITTER INTO GUTTERS AND STREETS; MERCHANTS:**

(A) No person shall sweep into or deposit in any gutter, street, or other public place within the Village, the accumulation of litter or rubbish from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

(B) No person owning or occupying a place of business shall sweep or deposit in any gutter, street, or other public place within the Village the accumulation of litter or rubbish from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business within the Village shall keep the sidewalk in front of their businesses free of litter. (Ord. 97-8, 7-7-97)

7-2-5: **OFFENSIVE SUBSTANCES:** No pile or deposit of manure, garbage, miscellaneous waste, or refuse of any kind whatsoever, nor accumulation of any offensive or nauseous substance shall be made within the limits of the Village, nor shall any person unload, discharge, or put upon the right of way of any railroad, street, alley, or public place within the Village, any manure, garbage, miscellaneous waste, refuse, or offensive or nauseous substance, nor shall any vehicles loaded with or having upon them any such substance or substances, be allowed to remain or stand or park on or along any railroad, street, alley, or other public place within the limits of the Village. (1944 Code, Sec. 277)

7-2-6: **LICENSE; FEE:**

(A) It shall be unlawful for any person to engage in the business of collecting, hauling, or transporting for hire for a fee, through the streets or public ways of the Village, any garbage, ashes, rubbish, yard waste, or other waste materials without first obtaining a license to engage in such business. This limitation shall apply only to those areas used for single-family dwellings or two-family dwellings, or mobile homes, or planned residential districts. (Ord. 81-33, 1-4-82; amd. Ord. 90-3, 6-18-90)

(B) The President and Board of Trustees shall have the authority to enter into an agreement with a person, firm, partnership, or corporation to provide the service referred to in subsection (A) of this Section. Said agreement shall be on such terms and conditions as are agreed to by the President and Board of Trustees.

The person, firm, partnership, or corporation entering into such agreement shall pay a yearly fee of five hundred dollars (\$500.00) for each year of service rendered and shall also be issued a license pursuant to the provisions of this Chapter. (Ord. 92-4, 6-15-92, eff. 7-1-92)

7-2-7: **REVOCATION:** Said license may be revoked by the Village if said licensee fails to perform his duties under his contract with the Village, or violates any of the provisions of this Chapter or any other provisions of this Code or the laws of the State. (1944 Code, Sec. 279)

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<sup>1</sup> 65 ILCS 5/11-19-2.

- 7-2-8:       **DUMPING:** No garbage or waste material shall be dumped within the Village limits, but must be hauled to a place outside the Village limits, at a distance which will not create a nuisance to any resident within the Village limits.<sup>1</sup> (1944 Code, Sec. 280)
- 7-2-9:       **RATES AND SERVICE:** (Rep. by Ord. 92-4, 6-15-92, eff. 7-1-92)
- 7-2-10:      **COLLECTION:** Fees for the collection of garbage and waste materials shall be paid semi-annually to the licensee, or as agreed upon between the licensee and owner of said business house, tavern, restaurant, or butcher shop. The licensee shall give to each person paying fees a receipt therefor. If service charges are not paid promptly, all services shall cease and no more services shall be rendered to said delinquent until all charges are fully paid. (Ord. 268, 5-7-62)
- 7-2-11:      **SCOPE:** All garbage and other waste materials embraced within this Chapter will be called for and disposed of by the licensee hereunder, and shall not be collected or disposed of, for hire, in any other manner, except as provided herein; and no garbage or waste material shall be allowed to accumulate on any property or premises within the Village for a period longer than the time between calls by said licensee. (1944 Code, Sec. 283)
- 7-2-12:      **YARD WASTE:** Special provisions with respect to the collection of yard waste shall be subject to approval of the President and Board of Trustees. Any license granted hereunder shall also include the right to collect yard waste. (Ord. 90-3, 6-18-90)
- 7-2-13:      **COMMINGLING OF WASTE PROHIBITED:** No "landscape waste", as defined by Public Act 85-1429 as now in effect or as may be amended from time to time, or garbage and rubbish (other than recyclable material) shall be placed in any recycling bin. No garbage and rubbish or recyclable material shall be placed in any containers for landscape waste. (Ord. 92-9, 7-20-92)
- 7-2-14:      **REPLACEMENT OF RECYCLING BINS:** Any damage to or loss of recycling bins shall be reported to the Village of Morton Police Department by the person to whom the recycling bins are registered or by the person responsible for the damage or loss within twenty four (24) hours of the damage or loss. The cost to repair or replace recycling bins damaged or lost due to negligence shall be borne by the person responsible for the damage or loss. (Ord. 92-9, 7-20-92)
- 7-2-15:      **TITLE TO RECYCLING BINS:** All recycling bins are the property of the Village of Morton, and they shall not be removed from the property on which the dwelling unit is located. (Ord. 92-9, 7-20-92)
- 7-2-16:      **UNLAWFUL REMOVAL OF RECYCLABLE MATERIAL:** It shall be unlawful for any person, firm, or corporation, except a refuse collector contracting with the Village of Morton, to remove any item of recyclable material including newspaper, aluminum, or bimetal cans, clear glass or number one or number two plastic placed in or adjacent to Village recycling containers. (Ord. 92-9, 7-20-92)
- 7-2-17:      **UNLAWFUL DAMAGE TO VILLAGE RECYCLING CONTAINERS:** Except as authorized by the Board of Trustees, it shall be unlawful for any person, firm, or corporation to remove, from a residential premises at which it is located, or to damage, any Village recycling container. (Ord. 92-9, 7-20-92)
- 7-2-18:      **DISPOSAL OF LANDSCAPE WASTE:** "Landscape waste" as defined in Section 7-2-13 of this Chapter shall not be commingled with garbage and refuse or with recyclable materials, but shall be disposed of in compliance with State law. (Ord. 92-9, 7-20-92)
- 7-2-19:      **PROHIBITION ON REMOVAL OF PREPAID BAGS OR STICKERS:** It shall be unlawful for any person, other than the Village's contracted refuse hauler, to remove any prepaid bags or stickers from any refuse left at a dwelling unit for collection. (Ord. 92-9, 7-20-92)

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<sup>1</sup> 65 ILCS 5/11-19-5.

- 7-2-20:     **COMBUSTIBLE REFUSE:** It shall be unlawful to permit or store any combustible refuse in such a way as to create a fire hazard. (Ord. 97-8, 7-7-97)
- 7-2-21:     **DEFINITION OF LITTER:** Any uncontainerized man-made or man-used waste which, if deposited within the Village otherwise than in a litter receptacle, tends to create a danger to public health, safety, and welfare, or to impair the environment of the people of the Village. Litter may include, but is not limited to, any “garbage”, as defined in Section 7-2-3 of this Chapter or any “rubbish” as defined in Section 7-2-22 of this Chapter or newspaper, magazines, plastic, or paper. (Ord. 97-8, 7-7-97)
- 7-2-22:     **DEFINITION OF RUBBISH:** Nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, construction materials, concrete, asphalt, and other paving materials, tin cans, yard clippings, leaves, other yard or garden wastes, wood, tree trunks, tree limbs, glass, bedding, crockery, and similar materials. (Ord. 97-8, 7-7-97)
- 7-2-23:     **LITTER IN PUBLIC PLACES:** No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the Village, except in public receptacles or in authorized private receptacles for collection. (Ord. 97-8, 7-7-97)
- 7-2-24:     **THROWING LITTER FROM VEHICLES:** No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Village. (Ord. 97-8, 7-7-97)
- 7-2-25:     **LITTER COLLECTION IN STORAGE AREAS:** Every owner, occupant, or lessee of a house or building used for residence, business, or commercial purpose shall maintain litter collection and storage areas in a clean condition and ensure that all litter is properly containerized. Failure to so maintain clean litter collection in storage areas shall constitute a violation of this Section. (Ord. 97-6, 7-7-97)
- 7-2-26:     **NOTICE TO REMOVE LITTER:** The responsible Village officials are authorized and empowered to notify the owner of any open or vacant private property within the Village or the agent of such owner to properly dispose of litter located on such owner’s property which is dangerous to public health, safety, or welfare. Such notice shall be by certified or registered mail, addressed to such owner at his last known address or by personal service. (Ord. 97-8, 7-7-97)
- 7-2-27:     **ACTION UPON NONCOMPLIANCE:** Upon the failure, neglect, or refusal of any owner or agent notified to properly dispose of litter within fourteen (14) days after receipt of written notice provided for in Section 7-2-26, or within fourteen (14) days after the date of such notice in the event the same is returned to the Village Post Office Department because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner or agent, the Village officials are authorized and empowered to do either of the following:
- (A)         To pay a third party to dispose of such litter or to order its disposal by the Village; or
  - (B)         To file appropriate civil actions for temporary restraining order, temporary injunction, permanent injunction, or for damages, against any person violating this Chapter. (Ord. 97-8, 7-7-97)
- 7-2-28:     **LIABILITY FOR EXPENSE OF REMOVAL BY VILLAGE:** In the event the Village elects to remove dangerous litter from private property, the owner of the premises shall be liable to the Village for expenses incurred by the Village in removing and disposing of such litter. A statement shall be rendered to the owner or occupant of the premises for the cost thereof, and if not paid, suit may be instituted. (Ord. 97-8, 7-7-97)
- 7-2-29:     **UNLAWFUL DEPOSITS:** It shall be unlawful for any person to place garbage or litter in a container owned or leased by another person without that person’s consent. (Ord. 97-8, 7-7-97)

7-2-30:       **CONSTRUCTION SITES:** The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried by the elements to adjoining premises. All litter from construction activities or any related activities shall be picked up at the end of each working day and placed in containers which will prevent litter from being carried by the elements to adjoining premises. (Ord. 97-8, 7-7-97)

7-2-31:       **PENALTY:** Any person, firm, corporation, partnership, or other legal entity violating any provisions of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. (Ord. 97-8, 7-7-97; amd. Ord. 99-37, 12-6-99)





**TITLE 8**  
**PUBLIC WAYS AND PROPERTY**

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Gas Distribution Department . . . . .	2
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## CHAPTER 1

**RIGHT-OF-WAYS, STREETS, ALLEYS,  
SIDEWALKS, AND DRIVEWAYS**

## SECTION:

- 8-1-1: Street Department
- 8-1-1.1: Establishment Of Street Department
- 8-1-1.2: Superintendent Of Streets; Office Created
- 8-1-1.3: Superintendent's Powers And Duties
- 8-1-2: Monetary Penalty For Violation Of Chapter
- 8-1-3: Supervision; Specifications; Repairs
- 8-1-4: Construction Standards
- 8-1-5: Encroachments
- 8-1-6: Obstructions And Deposits On Public Right-Of-Ways
- 8-1-7: Excavations
- 8-1-8: Designation Of Streets And Avenues
- 8-1-9: Prohibition Of Sales On Public Streets
- 8-1-10: Trees; Shrubbery
- 8-1-11: Severability Clause

8-1-1: **STREET DEPARTMENT:**

8-1-1.1: **ESTABLISHMENT OF STREET DEPARTMENT:** There is herewith established a Street Department to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the maintenance of all right-of-ways, streets, alleys, and sidewalks, under the terms and provisions of this Chapter, or such other Ordinances or amendments thereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 98-47, 4-5-99)

8-1-1.2: **SUPERINTENDENT OF STREETS; OFFICE CREATED:** There is hereby created the office of Superintendent of Streets. The Superintendent shall at all times act under the direct control of the Superintendent of Public Works, and shall be the head of the Street Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 98-35, 12-21-98; amd. Ord. 98-47, 4-5-99; amd. Ord. 00-38, 11-20-00; amd. Ord. 04-05, 6-7-04)

8-1-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of Streets to:

- (A) Monitor the conditions of all streets;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the Superintendent of Public Works;
- (D) Advise the public, when requested, in the matter of the regulations relating to the streets; and
- (E) Enforce all provisions of this Chapter under the supervision of the Superintendent of Public Works. (Ord. 98-35, 12-21-98; amd. Ord. 98-47, 4-5-99)

8-1-2: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99; amd. Ord. 99-37, 12-6-99)

**8-1-3: SUPERVISION; SPECIFICATIONS; REPAIRS:**

- (A) All right-of-ways, streets, alleys, sidewalks, easements, and any other public ways in the Village shall be under the supervision of the Superintendent of Public Works (SPW), who shall have supervision over all work thereon and maintenance thereof.
- (B) All street, sidewalk, and driveway pavements shall be made in conformity with specifications and grades as approved by the SPW.
- (C) It shall be unlawful to damage any street, alley, or sidewalk pavement, or to walk upon or drive across any newly installed street or sidewalk which is protected by barricades.
- (D) All public streets, alleys, and sidewalk pavements shall be kept in good repair. Every driveway shall be kept in good repair and free of obstructions where it crosses the sidewalk. All repair work shall be done under the supervision of the SPW.
- (E) Any person laying or repairing any pavement on a street, sidewalk, driveway, or other public place, or making any excavation in any such place, shall maintain suitable barricades to prevent injury to any person or vehicle by reason of the work; said barricades shall include appropriate lighting.
- (F) It shall be unlawful to disturb any barricades or lights lawfully placed to protect or mark any new pavement, excavation, or opening in any public street, sidewalk, right-of-way, or driveway.
- (G) It shall be unlawful to maintain or construct any fence composed in whole or in part of barbed wire, or with any similar material designed to cause injury to a person, or any wire charged with electric current, anywhere within three feet (3') of any right-of-way, street, alley, sidewalk, or other public way. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)

**8-1-4: CONSTRUCTION STANDARDS:**

- (A) All driveways leading from the public right-of-way to a garage or parking area must be of asphalt or concrete construction. Within the right-of-way, the driveway must conform to Morton's Subdivision Construction Details and must be of plain concrete construction.
- (B) Whenever a Village curb is altered for the purpose of making a driveway entrance, all work shall be done in accordance with Morton's Subdivision Construction Details.
- (C) All new driveway entrances shall be constructed by sawing the back of the curb to the Village's satisfaction. Removal and replacement shall only be allowed under special circumstances.
- (D) No Village curb, driveway approach, or sidewalk may be altered without first obtaining a permit from the office of the SPW. The fee for such permit shall be fifty dollars (\$50.00) when incorporating the curb sawing method, driveway approach or sidewalk replacement, and two hundred dollars (\$200.00) for curb removal and replacement. The Village must inspect the forms before the concrete is poured. If work has begun before a permit is obtained, the applicable fee shall double. (amd. Ord. 04-39, 11-15-04)

- (E) Downspouts and sump pump lines may not be routed or constructed to discharge into the Village right-of-way. In areas where the Village is engaged in street improvement projects, and following thirty (30) days written notice to property owners, all existing downspouts and sump pump lines that discharge into the Village right-of-way shall be re-routed or re-constructed by the property owner so as not to discharge into the Village right-of-way. (amd. Ord. 08-09, 7-7-08)
- (F) If any concrete construction is completed, and has not been inspected or is found to be out of compliance with this Section, the property owner shall have thirty (30) days to remove and replace same so that it conforms with all rules and regulations of this Section. In the event correction is not accomplished, the Village may, at its option, correct the problem and invoice the owner for the cost of same. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99, amd. Ord. 00-32, 10-2-00; amd. Ord. 03-02, 7-7-03)

8-1-5: **ENCROACHMENTS:**

- (A) No buildings, structures, or improvements may be constructed within any public right-of-way, with the exception of mailboxes and lawn irrigation systems and in unique circumstances, where extraordinary hardship would apply to a property owner, the Board of Trustees may grant an exemption on such terms and conditions as it deems appropriate. (amd. Ord. 04-04, 5-17-04)
- (B) If a mailbox is constructed in the public right-of-way, it shall be subject to the following provisions:
1. Any side or the depth shall not exceed three feet (3').
  2. The height shall not exceed four feet (4').
  3. It shall sit on a slab and not a footing.
  4. Existing mailboxes may continue to be maintained but shall not be reconstructed.
- (C) The planting of trees and bushes on any public right-of-way is expressly prohibited.
- (D) It shall be unlawful to erect or maintain any poles or wires on or over any right-of-way, street, alley, or other public way, or to attach any wire or rope to any street light in the Village without having first secured permission from the Village Board of Trustees.
- (E) Any of the items described in this Section which are placed in the right-of-way are at the sole risk of the owner of the adjacent property, and the Village assumes no liability with respect to same. The landowner shall also indemnify and hold harmless the Village of Morton from any liability, claims, or damages that might be asserted by a third party as a result of the fact a mailbox or lawn irrigation system was placed in the public right-of-way. In the event the Village, or any other utility company which has easement rights within said right-of-way, needs to use said area to repair, maintain, or install any utility system or appurtenance, then the Village or said utility company shall not be liable for any such property located in the public right-of-way. The Village shall not be liable for any damage caused to any property located within the right-of-way, regardless of the cause of said damage, except as provided for in the following paragraphs. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99; amd. Ord. 06-40, 2-19-07)

- (F) In the event a mailbox is damaged as a direct result of the Village of Morton plowing snow, then the owner of the mailbox shall notify the Village of Morton within three (3) days of the occurrence of the damage. Mailbox shall mean the box and any support. The three (3) day notification period may be extended if the owner notifies the Village within thirty (30) days of the occurrence of the damage and provides satisfactory proof that the owner was out of town at the time the damage occurred.

Upon notification, the Village shall have the right to inspect the property and verify that the damage was caused by the Village. The Village's determination of the causation of the damage and whether to repair or replace shall be conclusive. If the Village elects to repair the mailbox, it shall do so as soon as reasonably practical. If the Village elects to replace it, it shall do so using a standard box and support established by the Village.

If the owner declines the Village replacement, the Village shall reimburse the owner of the property up to one hundred fifty dollars (\$150.00) as full and final payment for the damage, and in such case, the owner shall be responsible for replacing or repairing the mailbox. Owner shall provide receipts of the cost of repair or replacement and shall provide those to the Village within one hundred twenty (120) days of the incident or there shall be no reimbursement due by the Village. (amd. Ord. 06-40, 2-19-07)

- (G) Structures may be located within the public right-of-way, subject to the following:

1. They may be attached only to a building or structure which was lawfully erected on or within one foot (1') of the property line. (amd. Ord. 06-40, 2-19-07)
2. The property owner shall provide to the President and Board of Trustees adequate drawings showing the location of the proposed structure, and shall furnish the legal description of the property.
3. Upon the affirmative vote of five (5) members of the Board of Trustees (President may provide fifth vote), approval may be granted. There is no obligation on the President and Board of Trustees to approve any request.
4. If approval is granted by the President and Board of Trustees, the property owner(s) shall sign an agreement indemnifying and holding the Village harmless from any liability, claims, or damages that might be asserted by any party as a result of the location of the structure in the right-of-way.
5. If, for any reason, at a date subsequent to the granting of approval, the Village needs to use all or any part of the right of way where the structure is located, then upon sixty (60) days notice the property owner, at his, her, or its sole expense, shall remove the structure from the right of way. The Village shall have no responsibility to reimburse the property owner for any such costs or any damages.
6. If approval is granted, a memorandum shall be recorded at the office of the Tazewell County Recorder of Deeds.

8-1-6: **OBSTRUCTIONS AND DEPOSITS ON PUBLIC RIGHT OF WAYS:**

- (A) It shall be unlawful for any person to cause, create, or maintain any obstruction of any right of way, street, alley, sidewalk, driveway, or other public way, except as may be specifically authorized by the SPW or the Chief of Police. Obstruction includes, but is not limited to, dirt, mud, and silt from construction or landscaping. The property owner and the contractor or landscaper, who causes any obstruction, shall be jointly and severally liable. (amd. Ord. 06-24, 9-5-06)

- (B) It shall be unlawful to deposit or allow to be deposited on any right of way, street, alley, sidewalk, driveway, or other public way any gasoline, oil, or any other material which may be harmful to the pavement thereof, or any waste material, glass, or other articles which may do injury to any person, animal, or property.
- (C) It shall be unlawful to obstruct any drain in any right of way, street, or alley, or deposit or allow to be deposited in any drain, dirt, mud, silt, leaves, grass, or other materials. (amd. Ord. 06-24, 9-5-06)
- (D) It shall be unlawful to deposit or allow to be deposited in any storm sewer, creek, drainage easement, or watercourse within the Village, or bordering on the Village to the extent of three (3) miles beyond the corporate limits of the Village, any materials which may impede the flow of same, including but not limited to dirt, mud, silt from construction or landscaping, leaves, grass, or other materials. Likewise, no creek or watercourse in the above-defined area shall be changed, altered, or modified in any manner whatsoever without the written permission of the President after approval by the Board of Trustees, upon the written recommendation of the Village Engineer submitted to the Board of Trustees, and after written application for such change, alteration, or modification has been made together with a detailed drawing showing the location, present condition, and proposed change, alteration, or modification. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99, amd. Ord. 06-24, 9-5-06)
- (E) It shall be unlawful for any person to disturb, damage, remove or render ineffective, any erosion control device, whether it is public or private. (Ord. 06-24, 9-5-06)
- (F) If a property owner, contractor, or landscaper has not abated any violation of this Section 6 after five (5) days notice from the Village, then the Village may abate same and all costs incurred shall be reimbursed by the property owner, contractor, or landscaper. This abatement shall be in addition to any fines that might apply for violation of the ordinance. (Ord. 06-24, 9-5-06)

8-1-7: **EXCAVATIONS:**

- (A) Permit Required: It shall be unlawful to make any excavations in or tunnel under any right of way, street, alley, sidewalk, or other public way in the Village, without having first secured a permit therefor. Applications for such permit shall be made to the SPW, and shall specify the intended location and the purpose of the excavation.
- (B) Fees:
1. The fee for such permit on a public street or alley shall be three hundred dollars (\$300.00), or sixty dollars (\$60.00) per square yard, whichever amount is greater. (amd. Ord. 06-09, 6-5-06)
  2. The fee for such permit on a public sidewalk or any other public right of way is twenty five dollars (\$25.00). The permittee shall be responsible for restoring the surface area removed. Restoration shall be completed within thirty (30) days.
- (C) Restoration: Any excavation made in any right of way, street, alley, or other public way must be refilled in a manner approved by the SPW to the top of the original surface. Sidewalks and landscaping shall be restored to the original condition by the excavator within thirty (30) days of the issuance of the permit. In the event restoration is not completed, the Village may, at its option, restore the area and invoice the owner for the cost of same.
- (D) Sewers: Sewer work shall be accomplished in accordance with Chapter 3 of this Title.

- (E) Insurance, Bond Required: Each applicant for an excavation permit, for a project other than sewer work, shall provide a certificate of insurance with minimum liability as required by the Village, and shall file a bond for that project in the amount of ten thousand dollars (\$10,000.00), with security to be approved by the SPW, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken in the manner in doing the same, guaranteeing the work for a period of two (2) years. (amd. Ord. 10-36, 5-2-11)
- (F) Monitoring Wells: A permit to be issued by the SPW is required for a monitoring well or similar device or boring and shall at a minimum require the following:
1. A bond in the amount of ten thousand dollars (\$10,000.00) with security to be approved by the SPW, conditioned to indemnify the Village for any loss or damage resulting from the work undertaken in doing same and guaranteeing the work for a period of five (5) years.
  2. An agreement with the Village on terms and conditions approved by the SPW and corporation counsel.
  3. A certificate of insurance with minimum liability as required by Village.
  4. Payment of a minimum fee of one thousand dollars (\$1,000.00) for three (3) or less openings and an additional fee of two hundred dollars (\$200.00) for each additional opening.
  5. All work allowed by the permit shall commence within ninety (90) days of the issuance of the permit and shall be finished as soon as reasonably practical. If work is not commenced within that period, the permit will be revoked.
- (G) Penalty: If work is begun before a permit is obtained, the fee shall be doubled. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99; amd. Ord. 01-44, 5-6-02; amd. Ord. 03-02, 7-7-03)

8-1-8: **DESIGNATION OF STREETS AND AVENUES:**

- (A) All streets lying in a generally east-west direction shall be designated "streets", and all streets lying in a generally north-south direction shall be designated "avenues", with the exception of Main, which shall be designated a street.
- (B) All streets lying generally north-south, shall be prefixed "north" if north of Jefferson and "south" if south of Jefferson. All streets lying generally east-west and south of I-74 shall be prefixed "east" if east of Main and "west" if west of Main, while those north of I-74 shall be prefixed "east" if east of N. Morton Ave. and "west" if west of N. Morton Ave.
- (C) All street names, as well as any changes of same, shall be approved by the Village Board of Trustees. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)

8-1-9: **PROHIBITION OF SALES ON PUBLIC STREETS:**

- (A) No person, firm, corporation, or other legal entity shall peddle on any public right-of-way within the corporate limits of the Village. "Peddle" shall mean the selling, bartering, or exchanging, or the offering for sale, barter, or exchange of any tangible personal property, including food products.
- (B) If the President and Board of Trustees have authorized the temporary closing of a public street, or any portion thereof, then during the period of such closing, personal property, including food products, may be peddled subject to all other applicable ordinances of the Village. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)



**8-1-10: TREES; SHRUBBERY:**

- (A) No person, firm, corporation, or other legal entity, other than the Village, shall plant any tree or bush in any right-of-way, street, or other public place in the Village, including those portions of streets and roadways not used for traffic purposes and lying between the adjacent property line and the curb line.
- (B) Any tree or shrub which overhangs any right-of-way, street, sidewalk, or other public place in the Village in such a way as to impede or interfere with pedestrians or traffic, or which obstructs visibility of traffic or traffic signs or signals, or obstructs street lights shall be trimmed by the owner of the abutting premises on which such tree or shrub grows, so that the obstruction shall cease. The SPW may trim any such tree or shrub to the right-of-way line if it extends to less than sixteen feet (16') above the pavement or driving surface, or obstructs visibility of traffic or traffic signs or signals, or is less than seven feet (7') above the sidewalk, and is less than or equal to two inches (2") in diameter at the right-of-way line. Otherwise the owner of the premises on which such tree or shrub grows shall be notified and given fourteen (14) days to eliminate the obstruction. If not eliminated within said fourteen (14) days, the SPW may trim or remove any such tree or shrub to the right-of-way line so that the obstruction, danger, or interference to pedestrians, traffic passage, or visibility is eliminated. (amd. Ord. 00-19, 8-7-00; amd. Ord. 05-11, 8-15-05)
- (C) Any tree or limb of a tree which appears likely to fall on or across any public way shall be removed by the owner of the premises on which such tree grows.
- (D) It shall be unlawful to attach any sign or advertising notice, or any wire or rope, to any tree or shrub in any public street, parkway, or other public place, without the permission of the Board of Trustees. Any person or entity who maintains poles and wires in any street, alley, or other public place shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible, and shall keep all such trees or shrubs near such wires and poles properly trimmed, subject to the supervision of the SPW, so that no injury will be done either to the poles and wires or to the trees or shrubs by their contact. (Ord. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)
- (E) In the event the SPW or his designee or assignee trims any tree or shrub in accordance with the provisions of this Section, the costs thereof shall be recoverable from the owner and the Village may place a lien on the land until payment is made. Within sixty (60) days after the cost and expense is incurred, the Village or the party performing the service by authority of the Village, in his or its name, may file a Notice of Lien in the Office of the Recorder of Deeds in Tazewell County, Illinois. Notice of the person to whom was sent the tax bill for the general taxes on the property for the preceding year shall be sent by certified mail or personally served on the person. The Notice shall consist of a sworn statement setting out (a) a description of the real estate sufficient for identification thereof; (b) the amount of money representing a cost and expense incurred or payable for the service; and (c) the date or dates when such cost and expense was incurred by the Village.
- (F) Upon payment of the cost and expense by the owner, or of persons interested in such property, after a Notice of Lien has been filed, the Lien shall be released by the Village or person whose name the Lien has been filed and the release may be filed of record in the office of the Recorder of Deeds, Tazewell County, Illinois; provided, however, no Lien shall be released until the total cost and expense including the actual cost, filing fees and other costs of administration and interest are satisfied by payment in full.
- (G) In addition to the abatement and lien procedures provided for in this Chapter, any person violating any of the provisions of this Section shall be subject to a minimum fine of \$100.00. The maximum fine is \$750.00. Each and every day a violation occurs shall be deemed a separate offense. (Ord. 17-15, 8-7-17)

8-1-11: **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. 96-22, 10-7-96; amd. Ord. 98-47, 4-5-99)

## CHAPTER 2

**GAS DISTRIBUTION DEPARTMENT**

## SECTION:

- 8-2-1: Gas Distribution Department
- 8-2-1.1: Establishment Of Gas Distribution Department
- 8-2-1.2: Superintendent Of Gas Distribution Department; Office Created
- 8-2-1.3: Superintendent's Powers And Duties
- 8-2-2: Monetary Penalty For Violation Of Chapter
- 8-2-3: Application For Gas Service
- 8-2-4: Service Line Installation Fee
- 8-2-5: Special Charge For Gas Main Tap-Ins
- 8-2-8: Extensions Of Gas Mains And Service
- 8-2-8: All Service Shall Be Metered
- 8-2-9: Meters, Regulators, Fittings, Fixtures, And Appurtenances Connected With The System To Be Open To Inspection
- 8-2-10: Main Connections; Service Lines; Customers' Piping; General Rules And Regulations
- 8-2-11: Meter Reading Conclusive
- 8-2-12: Test Of Meters
- 8-2-13: Separate Meters For Each Distinct Premises
- 8-2-14: Meter, Regulator, Or Village-Owned Equipment Damaged
- 8-2-15: Gas Rate Schedule
- 8-2-16: No Free Gas
- 8-2-18: Service Discontinued; Dangerous Conditions
- 8-2-19: Village Not Liable For An Interruption Of Service Or Supply
- 8-2-20: Complaints
- 8-2-21: Resale
- 8-2-22: Tampering With Meter, Regulator, Or Any Parts Of The Gas System Belonging To The Village
- 8-2-23: Deposit Of Receipts
- 8-2-24: Severability Clause

8-2-1: **GAS DISTRIBUTION DEPARTMENT:**

8-2-1.1: **ESTABLISHMENT OF GAS DISTRIBUTION DEPARTMENT:** There is hereby established a Gas Distribution Department of the Village, to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the operation of the natural gas distribution system of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village.

In the operation of the Gas Department, the Village, shall have the power to buy, sell, or transport gas, and to act as an agent for end-users in any of the foregoing activities, and in addition thereto, shall have all necessary and incidental powers in conjunction with the foregoing. (Ord. 96-12, 7-1-96)

8-2-1.2: **SUPERINTENDENT OF GAS DISTRIBUTION DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Gas Distribution Department (SGD). The Superintendent of the Gas Department shall be the same person who is the Assistant Superintendent of the Water Distribution Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Gas Distribution Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-12, 7-1-96; amd. Ord. 00-38, 11-20-00; amd. Ord. 11-01, 5-2-11)

8-2-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Gas Distribution Department to:

- (A) Conduct tests thereon;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the SPW;
- (D) Advise the public, when requested, in the matter of the regulations relating to the gas system; and
- (E) Enforce all provisions of this Chapter under the supervision of the SPW. (Ord. 96-12, 7-1-96)

8-2-2: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-12, 7-1-96; amd. Ord. 99-37, 12-6-99)

8-2-3: **APPLICATION FOR GAS SERVICE:**

- (A) Applications: Any proposed customer requesting new gas service or an existing customer requesting additional or changed gas service shall complete and file with the Village an "Application for Natural Gas Service". Such application shall be limited to one service line. The applicant shall be solely responsible for determining the total gas demand required for the new or changed service. If the proposed customer is a tenant of the premises to be served, the landlord or his legal representative must countersign the application before said application will be considered. The application shall be in the form as established from time to time by the SGD. Such application shall specify the specific premises for which service is requested, and the applicant shall not substitute any other premises for that disclosed in said application without submitting a new application. All applications shall include a recital that applicant shall, upon demand, grant the Village the right to install, construct, maintain, and replace the gas service line on the property to be served and the right to extend same across such property for providing other gas service connecting from the same gas service line. The property for which gas service is to be received must be within the corporate limits of the Village, unless the Board of Trustees specifically waives this requirement.
- (B) Priorities: Applications shall be chronologically filed by the Village. Gas service shall be initiated as gas and necessary gas mains are available, in chronological order within the priorities hereafter set forth.
  1. First Priority: Service to an existing customer applicant for existing firm, residential, or commercial space heating, when such service shall not increase the demand upon the gas utility by more than three hundred thousand (300,000) BTU (3 therms) per hour.
  2. Second Priority: Service to an applicant for new firm, residential, or commercial space heating, when such service shall not increase the demand upon the gas utility by more than three hundred thousand (300,000) BTU (3 therms) per hour.
  3. Third Priority: Service to any applicant or existing customer for firm, residential, commercial, or industrial gas service, when such service shall increase the demand upon the gas utility by more than three hundred thousand (300,000) BTU (3 therms) per hour, but shall not increase the demand upon the gas utility by more than seven hundred fifty thousand (750,000) BTU (7.5 therms) per hour.

4. Fourth Priority: Service to any applicant or existing customer for firm, commercial, or industrial gas service, when such service shall increase the demand upon the gas utility by more than seven hundred fifty thousand (750,000) BTU (7.5 therms) per hour, but shall not increase the demand upon the gas utility by more than two million (2,000,000) BTU (20 therms) per hour.
5. Fifth Priority: Service to any applicant or existing customer for firm, commercial, or industrial gas service, when such service shall increase the demand upon the gas utility by more than two million (2,000,000) BTU (20 therms) per hour.
6. Sixth Priority: Service to any applicant or existing customer for interruptible, seasonal, or other non-firm gas service.

- (C) Demand Defined: The demand referred to above shall be determined by the aggregate therms per each lot or parcel of land with the same owner.
- (D) Restriction Of Supply: The Village may restrict the amount of gas a customer may use, or it may curtail the entire supply of gas. This may be done at the discretion of the Village, if it deems it to be in the best interest of the Village, due to supply shortages, operational problems, or any other reasons deemed appropriate. (Ord. 96-12, 7-1-96)

8-2-4: **SERVICE LINE INSTALLATION FEE:** Upon approval of an application for natural gas service, a fee of one thousand one hundred sixty dollars (\$1,160.00) for the installation of said service line shall become due and payable to the Village. The fee for commercial or industrial gas service lines shall be computed on a "time and material" basis. (Ord. 96-12, 7-1-96; amd. Ord. 03-02, 7-7-03; amd. Ord. 05-43, 2-6-06; amd. Ord. 07-32, 9-17-06; amd. Ord. 07-57, 2-4-08; amd. Ord. 09-41, 3-15-10; amd. Ord. 13-29, 2-3-14)

8-2-5: **SPECIAL CHARGE FOR GAS MAIN TAP-INS:** A charge for the right to connect to a gas main of five dollars (\$5.00) per front foot of any land shall be due and payable before any connection is made. This charge shall apply to all gas mains now in existence, as well as those which may from time to time be constructed in the future. This Section shall not apply to any gas main where the cost of same has been paid for by a subdivider or owner, and the Village has otherwise agreed to no further reimbursement. (Ord. 96-12, 7-1-96; amd. Ord. 05-43, 2-6-06)

8-2-6: **EXTENSIONS OF GAS MAINS AND SERVICE:** The Village may, upon approval by its President and Board of Trustees, extend service when said President and Board of Trustees have determined a sufficient gas supply is available therefor. Extension of mains and service shall be in accordance with the terms provided in this Section and pursuant to such main extension agreements as may be from time to time approved by the President and Board of Trustees, and in which said main extension agreements it shall be the general policy of the President and Board of Trustees to provide for such main extensions in such a manner as will result in the applicant therefor initially paying for the entire cost thereof. Gas systems shall be looped (meaning having two (2) distinct sources of supply or points of connection to the existing system) wherever possible. Where not presently possible, main shall be installed to allow for future looping. (Ord. 96-12, 7-1-96; amd. Ord 02-41, 5-5-03)

8-2-8: **ALL SERVICE SHALL BE METERED:** All gas service shall be metered through meters approved by the Village. Each dwelling unit shall be serviced by its own separate meter if said unit contains one (1) or more gas appliances. All meters shall be so placed and installed as to render them accessible at all times for the purpose of reading or repairing, and shall be set outside of the building. Fences, decks, and other structures may not be located so as to hinder access to the gas meter. A fence may not be installed fully enclosing the location of a gas meter, until the gas meter has been relocated (at the owner's expense) outside of the fenced area. Upon notification by the Village, any and all obstructions, including trees or bushes, must be removed by the consumer to allow adequate access to the meter. If the obstruction is not removed within five (5) days of notification, or if the meter is not moved outside the fenced area within thirty (30) days, the Village may terminate service, or in the case of trees or bushes, the Village may remove said obstruction. (Ord. 96-12, 7-1-96; amd. Ord. 06-10, 6-5-06)

**8-2-9: METERS, REGULATORS, FITTINGS, FIXTURES, AND APPURTENANCES CONNECTED WITH THE SYSTEM TO BE OPEN TO INSPECTION:** At all times, meters, regulators, fittings, fixtures, and appurtenances connected to the system and located on private property shall be open for inspection by the proper officers or employees of the Village. Any part found to be defective or not in compliance with the provisions of this Chapter shall be immediately repaired or corrected. Service may be discontinued without notice at any time when the condition at the privately owned facilities creates danger or hazard. All meters, regulators, fittings, fixtures, and appurtenances associated with a service line are and shall remain the property of the Village. Ownership maintenance responsibility transfers to the property owner at the connection to the outlet fitting of the meter, or, in the case of fabricated meter sets, a the first connection point (which may be a union, flange, or coupling) after the fabricated section of the meter setting. (Ord. 96-12, 7-1-96)

**8-2-10: MAIN CONNECTIONS; SERVICE LINES; CUSTOMERS' PIPING; GENERAL RULES, AND REGULATIONS:**

- (A) The Village shall make all connections to the gas mains, shall install all service lines, and shall provide the meter and all labor and materials (at the property owners expense) necessary for said installations. Service line installations will be accomplished in a workmanlike manner, with minimal damage to the property. The property owner is responsible for providing the Village with the location of private underground structures. The Village shall not be required to cure any subsidence or depressions on the property which may occur after the initial backfilling of the trench in which said gas service line is installed. Ownership and maintenance responsibility transfer to the customer at the customer's connection to the outlet fitting of the meter set.
- (B) The final tie-in of the gas line to the outlet (customer) side of the meter is the responsibility of the property owner and must be made by a qualified installer who shall adhere to the guidelines set forth in the latest edition of the American National Standard "National Fuel Gas Code", also identified by National Fire Protection Association #54 and ANSI Z223.1, which is incorporated herein by reference thereto, and is made a part hereof as and to the same extent as if it were fully set forth herein. Installation will not be considered complete until a pressure test is conducted in the presence of Village employees (labor, material, and equipment to be furnished by the contractor).
- (C) All customer piping and necessary venting of appliances shall be in accordance with the regulations of this Chapter and the latest edition of the "National Fuel Gas Code", cited in subsection (B) above.
- (D) For new residential services, or if, in the opinion of the SGD, safety concerns dictate, customer piping shall be installed in accordance with the following guidelines:
1. If customer piping enters the building wall below ground, it must do so not more than three feet (3') from the outlet of the meter.
  2. Customer piping must be a black iron system. (amd. Ord. 13-32, 3-17-14)
- (E) Pressure Testing Details:
1. System will be pressurized to two and one-half (2 1/2) times the operating pressure or to five (5) psi, whichever is greater.
  2. Said pressurization shall be held for ten (10) minutes, with no drop in pressure.
  3. The gauge being used shall measure in increments of one-half (1/2) psi.

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)

## CHAPTER 3

### WASTEWATER TREATMENT AND COLLECTION SYSTEM

#### SECTION:

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8-3-1: **WASTEWATER TREATMENT DEPARTMENT:**

8-3-1.1: **ESTABLISHMENT OF WASTEWATER TREATMENT DEPARTMENT:** There is herewith established a Wastewater Treatment Department to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the operation of the wastewater treatment and collection system of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 96-4, 6-3-96)

8-3-1.2: **SUPERINTENDENT OF WASTEWATER TREATMENT DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Wastewater Treatment Department. The Superintendent shall at all times act under the direct control of the Superintendent of Public Works, and shall be the head of the Wastewater Treatment Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-4, 6-3-96; amd. Ord. 00-38, 11-20-00; amd. Ord. 04-05, 6-7-04)

8-3-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Wastewater Treatment Department to:

- (A) Conduct tests thereon;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the Superintendent of Public Works;
- (D) Advise the public, when requested, in the matter of regulations relating to the wastewater treatment and collection system; and
- (E) Enforce all provisions of this Chapter, under the supervision of the Superintendent of Public Works. (Ord. 96-4, 6-3-96)

8-3-2: **DEFINITIONS:** Whenever the following terms are used in this Chapter, they shall have the meaning indicated:

**BOD (Biochemical Oxygen Demand):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees Celsius (20°C), expressed in milligrams per liter (mg/l).

**BASIC USER CHARGE:** The basic assessment levied on all users of wastewater facilities.

**CLARIFICATION OF WORD USAGE:** "Shall" is mandatory; "may" is permissible.

**COMBINED SEWER OR COMBINATION SEWER:** A sewer which is designed and intended to receive wastewater, storm, and surface drainage.

**CONTROL MANHOLE:** An approved structure to provide access for Village personnel to sample and/or measure discharges.

DOMESTIC SEWAGE OR SANITARY SEWAGE:	The waste or discharge from any toilet or other household plumbing fixtures, wash water and dish water, interior basement drainage, and other dirty water from places of human residence, but not including industrial wastes, or wastes from business or commercial buildings or institutions (such as laundromats, service stations, restaurants, hospitals, etc.). Domestic sewage is considered to have a BOD concentration of less than two hundred fifty (250) mg/l and a suspended solids concentration of less than two hundred fifty (250) mg/l.
FEDERAL ACT:	The Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.), as amended by the Federal Water Pollution Control Act of Amendments of 1972 (Pub. L. 92-500 and Pub. L. 93-243).
GROUNDWATER:	Water which is contained in or flows through the ground.
INDUSTRIAL WASTES OR INDUSTRIAL SEWERAGE:	Any solid, liquid, or gaseous substance discharged, permitted to flow, or escaping from any industrial, manufacturing, commercial, or business establishment or process, or from the development, recovery, or processing of any natural resource as distinct from sanitary sewage.
MILLIGRAMS PER LITER:	A unit of the concentration of water or wastewater constituent, it is 0.001 grams of the constituent in 1000 milliliters (1 liter) of water; commonly notated "mg/l".
NATURAL OUTLET:	Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
NPDES PERMIT:	The current permit governing operation of the Village wastewater treatment plants.
PPM:	Parts per million by weight.
SPW:	Superintendent of Public Works.
SANITARY SEWER:	A sewer intended to carry domestic sewage and such industrial wastes as may be permitted, without the admixture of storm water or groundwater.
SEWAGE, SEWERAGE, OR WASTEWATER:	The spent water of a community, it may be a combination of the liquid and water-carried wastes from residences, industrial plants, commercial buildings, and institutions, together with any groundwater, surface water, and storm water that may be present.
SEWER:	Any outside conduit, pipe, or structure used for conveying sewage of any kind, including all manholes, pumping plants, intercepting chambers, and other appurtenances thereto.
SEWER SPECIFICATIONS:	"Standard Specifications for Water and Sewer Main Construction in Illinois" (most recent edition).
SLUG:	Any discharge of water, sewage, or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty four (24) hour concentration of flows during normal operation.

STANDARD METHODS:	The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.
STORM SEWER:	A sewer which is intended to carry storm and surface water, but no domestic or sanitary sewage or industrial wastes.
STORM WATER:	That portion of rain, snow, or sleet which flows over the surface of the ground.
SURCHARGE:	The assessment, in addition to the basic user charge, which is levied on those users whose wastes are greater in strength than concentration values established herein.
SUSPENDED SOLIDS (SS):	Solids that either float on the surface of, or are in suspension in, water, sewage, or industrial wastes, and which are removable by a laboratory filtration device. Quantitative determination of suspended solids shall be made in accordance with procedures set forth in "Standard Methods".
USER:	Any individual, firm, company, association, society, corporation, or group that discharges sewage to the wastewater treatment works of the Village of Morton.
VILLAGE:	The Village of Morton.
WASTEWATER SERVICE CHARGE:	The charge per month levied on all users of the wastewater facilities. The service charge shall be computed as outlined herein and shall consist of the total of the basic user charge, a debt service charge, a surcharge, and a depreciation charge. (Ord. 96-4, 6-3-96)

8-3-3: **PENALTIES:**

8-3-3.1: **REVOCAION OF PERMIT OR LICENSE:**

- (A) The license of any sewer contractor or the permit to perform any sewer construction or repair work, as required in this Chapter, shall become void whenever the licensee or permittee shall refuse or neglect, within ten (10) days' time after written notice thereof, to make such necessary corrections to the sewer work, either in workmanship or material, as shall have been ordered by the SPW. This time period may be extended by the Superintendent upon a proper showing of adequate cause by the licensee or permittee.
- (B) Such license or permit shall become void if such licensee or permittee shall permit the use of his name or license by another person or persons for the purpose of performing any sewer work. (Ord. 96-4, 6-3-96)

8-3-3.2: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of, any provision of this Chapter shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-4, 6-3-96; amd. Ord. 99-37, 12-6-99)

8-3-3.3: **SEPARABILITY OF PENALTIES:** The penalties provided in Sections 8-3-3.1 and 8-3-3.2 of this Chapter shall not be construed as precluding each other or any other penalties and costs provided elsewhere in this Chapter. (Ord. 96-4, 6-3-96)



8-3-4: **CONSTRUCTION REGULATIONS, GENERAL:** All sewers in the Village and all sewers to be connected to the Village sewer system shall be constructed in accordance with the applicable portions of the latest edition of the "Standard Specifications for Water and Sewer Main Construction in Illinois", hereinafter referred to as "Sewer Specifications". A copy of same is available for reference and may, from time to time, be available for purchase in the Department of Public Works. (Ord. 96-4, 6-3-96)

8-3-4.1: **SEWER CONTRACTORS; LICENSE, BOND, FEE:**

- (A) Any person who desires to engage in or who shall hereafter at any time engage in the business of the construction, alteration, or repair of any sewer, sanitary connection, or storm drain within the Village shall, before commencing such work, make application to the SPW, or his designee, for a license as a sewer contractor, and shall deliver to the SPW, or his designee, his certificate of insurance with minimum liability of five hundred thousand dollars (\$500,000.00) per occurrence, and his certificate of bond, with one corporate surety to be approved by the Village Board of Trustees in the amount of twenty five thousand dollars (\$25,000.00), payable to the Village, conditioned that such person shall indemnify and save harmless the Village, its officers, and employees, of and from all liability for damages to persons or property by reason of or resulting directly or indirectly from the construction, alteration, maintenance, or repair by such person of any sewer, sanitary connection, or storm drain, or any work or act of omission or commission incidental thereto, or in connection therewith; conditioned further upon the conformance by such person with all provisions of this Chapter with respect to such work; and conditioned further upon the restoration by such applicant of any street, alley, sidewalk, right of way, easement, or pavement disturbed by him, so as to leave same in as good condition as before the work commenced, as determined by the SPW; provided, however, that any owner of a single-family residence or multi-family dwelling personally doing work on his own property shall not be considered a sewer contractor for the purposes of this Section, providing said work does not include any activities on public right of way or utility easements. Applicant must be able to demonstrate to the SPW that he has previous experience in the field, and that past work performance has been acceptable, as well as demonstrating knowledge of the "Sewer Specifications." Applicant must also obtain and maintain in his files a copy of this Ordinance, as well as a copy of "Sewer Specifications." (Ord. 04-53, 3-7-05)
- (B) Upon approval of the applicant by the SPW, or his designee, and of the bond by the SPW, or his designee, shall forthwith issue to such applicant a license to engage in the construction, alteration, or repairs of sewers, sanitary connections, and storm drains in said Village. Each application for such license shall be accompanied by a fee of one hundred dollars (\$100.00), and such license shall be in effect from May 1 of each year through April 30 of the following year. If a contractor engages in any work for which a license is required under this Chapter, prior to obtaining said license, then the fee shall be doubled. (Ord. 96-4, 6-3-96; amd. Ord. 03-02, 7-7-03; amd. Ord. 04-53, 3-7-05; amd. Ord. 12-04, 6-4-12)

**8-3-4.2: CONSTRUCTION OF SEWER, HOUSE SANITARY CONNECTION, OR STORM DRAIN; APPLICATION AND PERMIT REQUIREMENTS:**

- (A) No sewer of any kind (public, private, or house sanitary connection) or house storm drain shall be constructed or made, altered, or repaired, nor shall any connection of any sewer, either public or private, be constructed or made, altered, or repaired, without first having obtained from the SPW a written permit therefor. No permit shall be issued for such construction, alteration, or repair work, until the plans and specifications therefor, or required data concerning same, have first been submitted to and approved by the SPW. Before issuing such a permit, an application may be required to be filed with the SPW. The application shall be signed by either the owner of the premises on which the proposed work is to be done or the licensed sewer contractor, and shall be accompanied by a complete and legible set of plans and specifications of the work to be done, or in lieu thereof, such written description or information as shall be acceptable to the SPW. All details concerning the construction of any new sewer or house storm drain and their appurtenances shall be subject to the approval of the SPW. (amd. Ord. 10-24, 12-6-10)
- (B) A permit and inspection fee of fifty dollars (\$50.00) shall be paid to the Village at the time the application is filed. If work has already begun before the aforesaid permit is obtained, then the permit fee shall be increased to one hundred dollars (\$100.00). The fee shall not be due if the work performed is done in accordance with and pursuant to the provisions of Ordinance 93-26, which prescribes the perimeter tile disconnection program, as now in effect, or as may from time to time be amended. The applicant, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity.
- (C) A sewer permit will only be issued and a sewer connection will only be allowed if it can be demonstrated that the downstream sewerage facilities, including sewer, pumping stations, and wastewater treatment facilities, have sufficient reserve capacity to adequately and efficiently handle the additional anticipated waste load.
- (D) All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Village from any loss or damage that may be occasioned, directly or indirectly, by the installation of the building sewer.
- (E) In the case of sewer construction in new subdivisions or planned residential developments, the plans as approved by the SPW, along with the properly executed "construction permit" as required by the Illinois Environmental Protection Agency (IEPA), and the payment of all fees, including but not limited to the fee for annexation, sewer tap-on, and the like, relative to subdivision or planned residential development construction, as required elsewhere in this Code, shall satisfy the permit requirements of this Chapter. This provision, however, shall not be construed to exempt such person or activity from all other requirements specified in this Chapter.
- (F) Any discharge by any person into the sewer system is unlawful except those discharges in compliance with Federal standards promulgated pursuant to the Federal Act and more stringent State and local standards.
- (G) No basement, half-basement, or any other portion of a building having a floor elevation beneath the elevation of the rim of the next manhole upstream of the point of connection may be connected into the Village sewer by gravity. In areas where the ground line over the Village sewer is to be altered, the proposed final ground elevation shall be used. The maximum depth to the top of the building service sewer shall be three feet (3') below finished grade at the point where it enters such building. In all buildings in which the building drain is too low to provide gravity flow to the Village sewer, all sewage carried by such drain shall be lifted by approved mechanical means and discharged into the building sewer. No water-operated sewage ejector shall be used. The aforesaid provisions shall apply to all buildings constructed after March 1, 1994. (Ord. 96-4, 6-3-96; amd. Ord. 03-02, 7-7-03)

- (H) All new, altered, or repaired sanitary sewer laterals shall be constructed with a clean out installed between the building and the right-of-way line. In the absence of any right-of-way line, the clean out will be installed between the building and the lateral's connection to the Village sewer main. The configuration and location of the clean out must be approved by the Village, and the clean out shall comply with all other provisions of Section 8-3-4.2, (amd. Ord. 07-12, 6-4-07)

**8-3-4.3: SEWER CONNECTIONS:**

- (A) In every case of a proposed sewer connection, notice shall be given to the SPW specifying the time and place where the work is to commence. Such notice shall be in writing, and given at least one full day prior to the commencement of the work.
- (B) Sewer laterals from an old building may be used in connection with new buildings, only when they are found, upon examination and test by the SPW, to meet all requirements of this Chapter. The cost of the examination and test shall be borne by the owner. If an existing lateral is approved for use, a clean out shall be installed, in accordance with Section 8-3-4.2(H). (Ord. 96-4, 6-3-96; amd. Ord. 07-12, 6-4-07)

**8-3-4.4: CHANGE IN PLANS:** Any changes or modifications in the proposed work shall be considered as new work, and no such changes or modifications shall be installed or made without a supplementary permit issued therefor, subject to the same terms and conditions as hereinabove required. (Ord. 96-4, 6-3-96)

**8-3-4.5: WORKMANSHIP:** All workmanship in connection with the construction of any sewer, house sanitary connection, or house storm drain shall be of such character as to fully secure the results sought to be obtained by all provisions of this Chapter. (Ord. 96-4, 6-3-96)

**8-3-4.6: DISCONTINUANCE OF WORK:** Any person to whom a permit has been issued and who shall neglect, refuse, or fail to make good any defect or fault in any work done or materials used thereunder, within ten (10) days after written notice thereof from the SPW, shall not be permitted to do any further or additional work of constructing or repairing any sewer, connection, drain, or appurtenances in the Village, and the license and permit of such person shall be revoked by the SPW, in accordance with Section 8-3-3.1 of this Chapter. (Ord. 96-4, 6-3-96)

**8-3-4.7: EXPIRATION OF PERMIT:** Whenever any work for which a permit has been issued hereunder is not commenced within thirty (30) days after the issuance of said permit, or if the work is not satisfactorily prosecuted after its commencement and completed within ninety (90) days, such permit will be considered as having expired, and shall be null and void. (Ord. 96-4, 6-3-96)

**8-3-4.8: TESTING OF SANITARY SEWERS; MATERIAL AND METHODS:**

- (A) Prior to acceptance by the Village, all sewers shall be cleaned by the owner to the satisfaction of the SPW, and at no cost to the Village.
- (B) Only methods and materials approved by the SPW may be used for new construction and for the repair of existing sewers.
- (C) Testing may be required before Village acceptance of a sewer, and may include, but not necessarily be limited to, daylighting, inflow/infiltration, televising, deflectometer, and air testing. (Ord. 96-4, 6-3-96)

**8-3-5: HOUSE SANITARY CONNECTIONS AND STORM DRAINS; CONSTRUCTION:**

**8-3-5.1: FUNCTIONS OF HOUSE CONNECTIONS AND DRAINS:**

- (A) The domestic sewage from residences, human habitations, institutions, business buildings, stables, garages, and industries shall be conveyed from said structures in a conduit or pipe, herein termed "house sanitary connection". The connection shall extend to a public separate sanitary sewer if such sewer serves the property. No storm water, groundwater, or surface water shall be permitted to enter this house sanitary connection. The owner/user is responsible for maintaining a clear conveyance of sanitary sewer water through this lateral from the structure, up to and including the tee into the Village main. In the event of a requirement to dig up the lateral to repair a failure in the lateral, the owner/user owns and is responsible for the maintenance and repair of this lateral from the structure to the Village right-of-way. The Village is responsible for the portion of the lateral, tee, and the Village main residing in the Village right-of-way. (amd. Ord. 07-06, 5-21-07)
- (B) Sanitary or domestic sewage shall be taken to include basement floor drainage; this shall not, however, include any storm or groundwater intentionally conveyed to the basement floor, and from said basement floor to and into the sanitary sewer system.
- (C) Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.
- (D) Backwash or other washwater from swimming pools shall drain to the sanitary sewer. (Ord. 96-4, 6-3-96)

**8-3-5.2: INDEPENDENT CONNECTIONS AND DRAINS:** Each residence, institution, or business building shall have and maintain its own separate house sanitary connection. A house sanitary connection shall not be permitted to serve two (2) such adjacent residences or other units except under abnormal circumstances, and then, only with the written permission of the SPW. (Ord. 96-4, 6-3-96)

**8-3-5.3: MATERIALS AND CONNECTIONS:** All materials, joints, and connections for house sanitary connections shall conform to the applicable portions of "Sewer Specifications", as amended herein. Said conformance shall include the entire sewer service line, from the Village main to the point where the sewer comes up above the floor inside the building. The house sanitary connection shall have a minimum inside diameter of six inches (6"). (Ord. 96-4, 6-3-96)

**8-3-5.4: PIPES TO BE CLOSED:**

- (A) The ends of all pipes abandoned or not to be immediately connected shall be securely stopped by methods and materials approved by the SPW. The house sanitary connection shall remain plugged or otherwise secured against receiving storm water and/or groundwater from the time it is installed, either partially or completely, until the structure it is to serve is completely framed, roofed, and graded to the extent that storm water and/or groundwater cannot enter this pipe.
- (B) Under no circumstances will it be permissible to allow the storm water or groundwater that accumulates in the foundation and basement areas of buildings under construction to drain through the house sanitary connection. Any violation of this Section shall be subject to the penalty provisions of this Chapter. (Ord. 96-4, 6-3-96)

**8-3-5.5: BACKWATER:** Where the plumbing system of a building may be subjected to backflow of sewage or water, suitable provision shall be made to prevent overflow into the building by the installation of a satisfactory backwater valve or valves, or other satisfactory means. Said installation shall be the responsibility of the property owner. (Ord. 96-4, 6-3-96)

**8-3-5.6: COMBINED SEWER:**

- (A) New construction tributary to a combined sewer system must be designed to minimize inflow contribution to the combined system. Any new building domestic waste connection shall be distinct from the building inflow connection, to facilitate disconnection if a storm sewer becomes available. (Ord. 96-4, 6-3-96; amd Ord. 04-32, 9-7-04)
- (B) Inflow sources on the combined sewer shall be connected to the storm sewer within sixty (60) days of the time a storm sewer becomes available.
- (C) Any combined sewer overflow impact from non-domestic sources shall be minimized by determining which non-domestic discharges, if any, are tributary to a combined sewer overflow and in order to control pollutants in these discharges, the Village may do as follows:
  1. Require pretreatment to an acceptable condition for discharge into the public sewer.
  2. Require control over the quantities and rates of discharge.

**8-3-6: INSPECTIONS AND TESTS:****8-3-6.1: INSPECTION:**

- (A) All piping and appurtenances of any sewer or house sanitary connection shall be inspected by the SPW or his representative to ensure compliance with all the requirements of this Chapter, and to ensure that the installation and construction of the system are in accordance with the approved plans and specifications.
- (B) The SPW and other duly authorized employees of the Village, the IEPA, and the U.S. Environmental Protection Agency (USEPA), bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this Chapter.
- (C) It shall be unlawful for any person to make use of any new, reconstructed, or repaired sewer, or any part thereof, which has not been inspected and approved. The SPW is hereby authorized to disconnect any such newly constructed, reconstructed, or repaired sewer in operation, which has not been inspected and approved, and he may enter upon any public or private property for the purpose of such disconnection. It shall be the responsibility of the owner or his agent to reinstate, at his expense, by the approved methods and materials specified in this Chapter, any service so disconnected. (Ord. 96-4, 6-3-96)

**8-3-6.2: NOTIFICATION:**

- (A) It shall be the duty of the owner or his agent to notify the SPW or his representative, by telephone or in writing, not less than two (2) working hours before the inspection is requested to set a time for said inspection. If an inspection is desired outside of normal working hours or on a weekend or holiday, prior arrangements must be made. If such an inspection is allowed, the owner or his agent shall be responsible for such additional charges incurred by the Village, due to the inspection being requested outside of normal working hours. If the weekend or holiday or after-hours inspection is not considered feasible by the SPW, then the work must be scheduled such that the inspection can be accomplished during a normal work day.
- (B) If the SPW finds, on inspection, that the work or materials are not satisfactory, the owner or his agent shall remedy said defect and then renotify as in subsection (A) above for a reinspection. One reinspection will be done for the original permit/inspection fee. If, upon reinspection, the work or materials are still not acceptable, an additional permit/inspection fee will be levied.

- (C) No sewer excavation shall be backfilled until said sewer has been inspected and approved. (Ord. 96-4, 6-3-96)

8-3-6.3: **CONDEMNED MATERIALS:** The presence of any material near the site of the work, other than that approved, shall be sufficient cause for condemning part or all of the work. (Ord. 96-4, 6-3-96)

8-3-6.4: **DEFECTIVE WORK:** Whenever inspection discloses work which does not conform to the requirements of this Chapter, such defective work shall be corrected immediately, and the work shall be reinspected. (Ord. 96-4, 6-3-96)

8-3-7: **USE AND PROTECTION OF THE SEWER SYSTEM:**

8-3-7.1: **PURPOSE OF THE SANITARY SEWER SYSTEM:** The separate sanitary sewer system of the Village has been designed and built to carry away domestic sewage and industrial and commercial wastes as permitted, and has not been designed to carry storm water, surface water, or groundwater. Any act which shall cause any storm or surface water or groundwater to be conveyed to the sanitary sewers shall be directly contrary to the provisions of this Chapter, and is strictly prohibited. (Ord. 96-4, 6-3-96)

8-3-7.2: **USE OF PUBLIC SEWERS REQUIRED:**

(A) All property owners within the Village are required to attach any operating human waste disposal systems on their property to available sanitary sewer mains, in such a manner that no sewage is discharged except into said sanitary sewer mains. For the purpose of this Section, "available sanitary sewer main" shall mean any sanitary sewer main within two hundred feet (200') of any property line describing the lot in question which is tributary to the Village's wastewater facilities. Connection to an available sanitary sewer main is not required if the property has a septic system in effect on August 1, 2006 and the system is more than six hundred feet (600') from the sanitary sewer main. (amd. Ord. 06-22, 9-5-06)

(B) In those cases where there is an existing residential or commercial structure that is a source of domestic sewage, and that predates the "available sanitary sewer main" as defined herein, and is situated at a distance of two hundred feet (200') or less, measured normally from said main, the Board of Trustees may, by resolution, modify the mandatory connection provision of this Section. If a property is not required to connect to the sewer system, wastewater service charges will be applicable as if the property were connected. (Ord. 96-4, 6-3-96)

If the Board of Trustees, by resolution, waives the mandatory connection provision and the property owner cannot reasonably obtain access to the sanitary sewer due to inability to secure easement or right of way across or along private property, then the Board may, at its sole discretion, waive the wastewater service charges. (Ord. 09-15, 7-6-09)

If the property owner is not notified in writing at least one hundred twenty (120) days prior to the construction of the sanitary sewer that comes within two hundred feet (200') of the property, the Village will reimburse up to thirty five hundred dollars (\$3500.00) of the cost of the connection in the Village right-of-way, upon submission of paid invoices. Property owner notification shall include the developer's name, address, and phone number; the approximate cost of providing a tee and lateral after the sanitary sewer is completed; and a copy of this ordinance. (amd. Ord. 07-13, 6-4-07)

8-3-7.3: **PROVISIONS FOR DISCHARGE OF WASTE AND SEWAGE:**

(A) Discharge of human waste at any time, in such manner or location so as to create a health hazard, shall be a violation of this Section, and said violation shall be subject to the penalties of this Chapter.

- (B) The discharge of sewage in violation of any of the provisions of this Section shall constitute and is hereby declared to constitute a public nuisance.
- (C) No existing septic tank or cesspool shall be connected in any way, directly or indirectly, to the public sewer system. Any septic tank or cesspool discovered due to required maintenance, repair, or pumping, shall be emptied, backfilled, and bypassed within thirty (30) days.
- (D) No building permit for the construction of any new structure or the expansion of an existing structure within the Village shall be granted until the owner applying for such construction permit shall furnish plans and specifications conforming to the provisions of this Chapter to the SPW, such that the domestic sewage therefrom shall be discharged into said sanitary sewer system in the manner and by the means herein prescribed.
- (E) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.
- (F) It shall be unlawful to discharge to any natural outlet within the Village, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- (G) No person shall discharge, or cause to be discharged, any storm water, surface water, groundwater, roof runoff, or subsurface drainage into a separate sanitary sewer. Storm water and all other unpolluted drainage shall be discharged into such sewers specially designated as combined sewers or storm sewers, or to a natural outlet approved by the SPW. Industrial cooling water or unpolluted process waters may be discharged by approval of the SPW and the IEPA into a storm sewer, combined sewer, or natural outlet.
- (H) It shall be unlawful for any person to connect, or cause to be connected, any drain carrying, or to carry, any industrial wastes, any discharges from any toilet, sink, basement, septic tank, or cesspool, or any fixture or device discharging sewage or other polluting substances, to any storm sewer in the Village.
- (I) No person shall discharge, or cause to be discharged, any of the following described waters or wastes into any public sanitary or storm sewer, or any combined sewer:
1. Any gasoline, benzene, naphtha, fuel oil, motor oil, or other flammable or explosive liquid, solid, or gas.
  2. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage works.
  3. Any waters or gases containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or odor, or create any hazard in the receiving waters of the sewage treatment plant.
  4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works, including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, paint, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (J) No person shall discharge, or cause to be discharged, the following described substances, materials, waters, or wastes, if it appears likely, in the opinion of the SPW, that such wastes can harm either the sewers or the sewage treatment process or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the SPW will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process and capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and maximum limits established by regulatory agencies. Prohibited substances include:
1. Any liquid or vapor with a temperature higher than one hundred fifty degrees Fahrenheit (150°F) or sixty five degrees Centigrade (65°C).
  2. Any waters or wastes containing toxic or poisonous materials, or grease and oil, whether emulsified or not, in excess of one hundred (100) mg/l, or containing substances which may solidify or become viscous at temperatures between thirty two degrees Fahrenheit (32°F) and one hundred fifty degrees Fahrenheit (150°F), and zero degrees Centigrade (0°C) and sixty five degrees Centigrade (65°C).
  3. Any garbage that has not been properly shredded. The installation and/or operation of any garbage grinder equipped with a motor of three-quarter horsepower (3/4 hp) or greater shall be subject to the review and approval of the SPW, and users with such grinders shall automatically be considered to be commercial or industrial users.
  4. Any waters or wastes containing: Strong acid, iron pickling wastes, or concentrated plating solutions, whether neutralized or not; iron, chromium, copper, zinc, or similar objectionable or toxic substances; wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Village, the IEPA, or the USEPA; phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Village as necessary after treatment of the composite sewage, to meet the requirements of the State, Federal, or other agencies of jurisdiction, for such discharge to the receiving waters.
  5. Any radioactive wastes or isotopes of such half-life or concentration that may exceed limits established by the Village in compliance with applicable State or Federal regulations.
  6. Any waters or wastes having a pH in excess of 9.5.
  7. Any mercury or any of its compounds in excess of 0.0005 mg/l as Hg at any time, or any cyanide in excess of 0.025 mg/l at any time, except as permitted by the Village in compliance with applicable State and Federal regulations.
  8. Materials which exert or cause:
    - (a) Unusual concentrations of inert suspended solids, including, but not limited to, fuller's earth, lime slurries, and lime residues, or of dissolved solids, including, but not limited to, sodium chloride and sodium sulfate;
    - (b) Excessive discoloration, including, but not limited to, dye wastes and vegetable tanning solutions;
    - (c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works;
    - (d) Unusual volume of flow or concentration of wastes, constituting "slugs" as defined herein.



9. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such a degree that the sewage treatment plant effluent cannot meet the requirements of agencies having jurisdiction over discharge to the receiving waters.

(K) No person shall discharge, or cause or permit to be discharged, industrial wastes and sewage into any public sewer system which discharges, directly or indirectly, into the sewer system of the Village, without the approval of the SPW.

(L) If any waters or wastes are discharged, or proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in this

Section, and/or which are in violation of the standards for pretreatment provided in Chapter 1, EPA Rules and Regulations, subchapter D, Water Programs, Part 128 - Pretreatment Standards, Federal Register Volume 38, No. 215, Thursday, November 8, 1973, and any amendments thereto, and which, in the judgment of the SPW, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Village may:

1. Reject the wastes;
2. Require pretreatment to an acceptable condition for discharge into the public sewer;
3. Require control over the quantities and rates of discharge; and/or
4. Require payment to cover the added costs of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Village permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the SPW, and subject to the requirements of all applicable codes, ordinances, and laws.

(M) Grease, oil, and sand interceptors shall be provided when, in the opinion of the SPW, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients. All interceptors shall be of a type and capacity approved by the SPW, and shall be located as to be readily and easily accessible for cleaning and inspection. All such facilities must be adequately and properly operated and maintained so as to prevent the discharge of such substances into the Village sewer system.

1. Foreign Matter In Sewers: No butcher's offal, garbage, dead animals, or liquids containing silt, hair, feathers, fibers, grease and oil in excess of one hundred (100) mg/l, or other obstructing materials shall be permitted to enter any public sewer.
2. Harmful Wastes In Sewers: Acid, corrosive, or harmful wastes, and wastes at a temperature higher than one hundred fifty degrees Fahrenheit (150°F) shall not be discharged into any public sewer.
3. Explosives; Flammable Matter In Sewers: No explosive or flammable matter shall be discharged into any public sewer.

In any cleaning establishments, buildings used for housing or repairing automobiles, gasoline and oil service stations, and other buildings or establishments where gasoline, oil, calcium carbide, or other explosive or flammable matter is stored, sold, or handled, the drains which are connected to the public sewers must be provided with an approved intercepting pit or tank, so constructed, located, and maintained so as to prevent the discharge of such substances into the Village sewer system.

- (N) Where preliminary treatment or flow-equalizing facilities or grease/oil/sand interceptors are provided, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.
- (O) Any establishment, when required, shall install a control manhole with a minimum inside diameter of four feet (4'), together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of wastes. Such manhole shall be accessible and safely located, and shall be constructed in accordance with plans approved by the SPW. The manhole shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (P) The owner of any property serviced by a building sewer carrying wastes shall, when required, provide laboratory measurements, tests, and analysis of waters and wastes to illustrate compliance with this Chapter and any special conditions for discharge established by the Village or regulatory agencies having jurisdiction over the discharge.
- The number, type, and frequency of laboratory analysis to be performed by the owner shall be as stipulated by the Village, provided that no less than once per year, the user must supply a complete analysis of the constituents of the wastewater discharge to assure that Federal, State, and local standards are being met. The Village reserves the right to approve the laboratory doing said testing, and the owner shall report the results of measurements and laboratory analysis to the Village at such times and in such manner as prescribed by the Village. In addition, the Village reserves the right to take measurements and samples for analysis by an outside laboratory service. The owner shall be responsible for the cost of all measurements, analysis, and reporting required by the Village.
- The Village may perform the required measuring, sampling, and analysis if, in the opinion of the SPW, it is feasible. The Village shall be reimbursed for the cost of providing this service, as determined by the SPW.
- (Q) All measurements, tests, and analysis of the characteristics of waters and wastes, to which reference is made in this Chapter, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined from samples taken at the control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of the constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analysis involved will determine whether a 24-hour composite of all outfalls of the premises is appropriate, or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.) The sampling point is at the discretion of the SPW.
- (R) No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the Village and any industrial concern, whereby an industrial waste of unusual strength or character may be accepted by the Village for treatment, subject to payment therefor by the industrial concern.
- (S) Any industry shall be required to notify the SPW when changes in the industry's processing might affect the characteristics of the wastewater being treated by the Village.
- (T) Uniform Recovery Costs: In the event an establishment or business does not have a control manhole, the said establishment or business shall pay, in addition to any other sewer and wastewater charges, the amount due as determined as follows:

1. The establishment or business shall be deemed to have the following concentrations:

	<u>BOD</u>	<u>Suspended Solids</u>
Retail Bakers	1350	600
Meat Processing, Grocery Store (with meat service)	900	600
Restaurant, Grocery Store (without meat service)	800	600

2. The establishment or business shall pay the rates set forth in Section 8-3-9.5 of this Chapter, as are in force from time to time.

3. The foregoing charges shall be due and payable monthly.

4. The SPW has full authority to determine whether an establishment or business falls within a particular category, and his determination shall be conclusive. In the event an establishment or business does have a control manhole as provided in this Chapter, then the foregoing charges shall not apply, and the establishment or business shall pay such charges as are determined pursuant to those establishments or businesses which have control manholes. (Ord. 96-4, 6-3-96)

**8-3-7.4: SEWAGE TREATMENT REQUIRED:**

- (A) Where liquid wastes from any source are not discharged into a public sewer, such wastes shall be treated or disposed of so as not to endanger or contaminate any water supply that is or may be used for drinking or domestic purposes, or for bathing, or so as not to create any nuisance or unsanitary condition which shall be considered as a menace to the public health and safety.
- (B) No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Morton Board of Health.
- (C) When a public sewer becomes available, as described in subsection 8-3-7.2(A) of this Chapter, the building sewer shall be connected to said sewer within sixty (60) days, and the private sewage disposal system shall be cleaned of sludge and backfilled with approved material. (Ord. 96-4, 6-3-96)

**8-3-7.5: INSPECTION; ENTRY POWERS; INJURING OF OR INTERFERING WITH SEWER SYSTEM:**

- (A) In order that the public sewer system may be fully protected against improper use and injury, the Village shall have free and unobstructed access to any part of the premises where sanitary connections are connected or are to be connected, directly or indirectly, to the public sewer system, or where storm drains have been constructed. Said access is for the purpose of examining the construction or the condition and usage of same, and may occur at any reasonable hour during construction, or at any time thereafter. Any owner, occupant, or other person refusing to allow any personnel of said Village access to the premises for such purposes shall be guilty of violation of this Section, and shall be subject to the penalties provided in this Chapter.

- (B) It shall be unlawful for any person other than an authorized Village employee or persons working for the Village to enter any public sewer, manhole, catch basin, or other part of the public sewer system without permission from the Superintendent of Public Works.
- (C) It shall be unlawful for any person to wilfully, maliciously, or negligently break, deface, destroy, or injure any public sewer or appurtenance thereto, or to deposit debris of any kind into a sewer.
- (D) It shall be unlawful for any person to interfere with, molest, uncover, take off covers from manholes or lampholes, or disturb any portion of the public sewer system or appurtenances thereto. (Ord. 96-4, 6-3-96)

**8-3-8: CESSPOOLS, PRIVIES, PRIVY VAULTS:**

**8-3-8.1: CONSTRUCTION AND REBUILDING PROHIBITED:** No privy vault, privy, septic tank, or cesspool shall hereafter be constructed, maintained, or repaired in the Village.(Ord. 96-4, 6-3-96)

**8-3-8.2: MAINTENANCE OF PRIVY AND PORTABLE TOILETS:**

(A) It shall be unlawful, and it is hereby declared a nuisance, for any person to maintain any privy in the Village, except that portable privies or portable chemical toilets may be used at construction sites and at special events when so authorized by the SPW. (Ord. 96-4, 6-3-96)

(B) At swimming beaches, portable chemical toilets are allowed subject to the following conditions:

1. Portable chemical toilets must be anchored securely and located on a cement slab.
2. Portable chemical toilets must be regularly maintained inside and outside, with an inspection and cleaning on at least a weekly basis. All Tazewell County Health Department standards must be complied with at all times.
3. There must be landscape screening on three (3) sides of portable chemical toilets.
4. Portable chemical toilets may be used for a period not to exceed one hundred twenty (120) consecutive days, and for a period not exceeding in the aggregate one hundred twenty (120) days during a calendar year.
5. Authorization of the SPW must be renewed annually.
6. If any of the above provisions are not complied with, the SPW may immediately revoke the authorization granted herein, and in such case, the toilets shall be removed. (Ord. 96-46, 5-5-97)

**8-3-8.3: CISTERN OVERFLOW PIPES:** No cistern used for the collection and storage of rainwater from roofs shall have its overflow pipes connected to any sanitary or combined sewer. (Ord. 96-4, 6-3-96)

**8-3-9: WASTEWATER SERVICE CHARGES:**

**8-3-9.1: SEWER RATES ESTABLISHED:** There shall be and there are hereby established monthly rates and/or charges for the use of and for service supplied by the wastewater treatment collection system of the Village, as described herein. (Ord. 96-4, 6-3-96)

**8-3-9.2: USER CLASSIFICATION:** There is hereby established the following user classification schedule:

<u>Class Designation</u>	<u>Description</u>
I	Those users generating domestic waste who are regular metered water customers of the Village.
II	Those users generating domestic waste who are not regular metered water customers of the Village (i.e., they use their own water source).
III	Those users who generate wastewater that possesses strength characteristics (as measured by BOD and SS) that are in excess of those defined herein and who are not required to pretreat their wastes before discharging into the Village's sewer system.
IV	Those users who generate wastewater that possesses strength characteristics (as measured by BOD and SS) that are in excess of those defined herein and who are required to pretreat their wastes before discharging into the Village's sewer system. (Ord. 96-4, 6-3-96)

8-3-9.3: **BASIS FOR WASTEWATER SERVICE CHARGES:**

- (A) The wastewater service charge for the use of land and for services supplied by the wastewater facilities of the Village shall consist of a basic user charge for operation and maintenance plus replacement; a debt service charge, when applicable; a surcharge, if applicable; and a depreciation charge, if such is established by the Village Board of Trustees.
- (B) The basic user charge shall consist of the cost of maintaining and billing accounts and the operation and maintenance of equipment and facilities, plus replacement, and shall be based on water usage as recorded by water meters and/or sewage meters for wastes having the following normal concentration (as presently being received at the treatment facilities):
1. A BOD of two hundred fifty (250) mg/l or less.
  2. A suspended solids content of two hundred fifty (250) mg/l or less.
- (C) A surcharge shall be levied to all users whose wastes exceed concentration for BOD of two hundred fifty (250) mg/l and for SS of two hundred fifty (250) mg/l. The surcharge will be based on water usage as recorded by water meters and/or sewage meters for all wastes exceeding the above concentrations.
- (D) The adequacy of the wastewater service charge shall be reviewed annually by certified public accountants for the Village in their annual audit report. The wastewater service charge shall be revised periodically to reflect a change in debt service or a change in operation and maintenance costs, including replacement costs. (Ord. 96-4, 6-3-96)

8-3-9.4: **MEASUREMENT OF FLOW:** The volume of flow used for computing basic user charges and surcharges shall be the metered water consumption (in cubic feet).

- (A) Class II users, as well as those users in Class III and Class IV who are not regular metered water customers of the Village, shall install and maintain, at their own expense, a water meter of a type approved by the SPW for purposes of determining the volume of water obtained from these other sources. Said meter shall be made readily accessible to the Village by the owner, for the purpose of obtaining monthly meter readings. Maintenance shall be of a type and frequency as determined by the Village, and may be done by the Village, subject to reimbursement by the user.
- (B) Devices for measuring the volume of waste discharged may be required if, in the opinion of the SPW, these volumes cannot otherwise be accurately determined from the metered water consumption records.

- (C) Metering devices for determining the volume of waste shall be installed, owned, and maintained by the person or organization. Following approval and installation, such meters may not be removed without the consent of the SPW, unless service is disconnected. Maintenance shall be of a type and frequency as determined by the Village, and may be done by the Village, subject to reimbursement by the user.
- (D) The metering devices required above shall be installed within thirty (30) days after the user has been notified by the SPW that such device is needed. The volume of flow to be used for computing the wastewater service charge during the period between the time notice is given and the time the required metering device is installed and operational shall be the volume as estimated by the SPW.
- (E) Any user who could, in the opinion of the SPW, generate wastes having strengths exceeding two hundred fifty (250) mg/l of BOD and/or two hundred fifty (250) mg/l of suspended solids shall install a structure providing access to the building sewer carrying such sewage for the purpose of sampling. This required structure shall be constructed and situated in accordance with plans approved by the SPW, and it shall be accessible by motor vehicle. This structure shall be installed by the owner, at his expense, and shall be maintained by him so as to be safe and accessible at all times, and it shall be secure against storm water inflow. In the event the user fails to install the required structure within thirty (30) days of notification to do so, the Village will install same or cause same to be installed; the cost of said installation will be added to the wastewater service charges. This added cost will appear on a regular monthly bill within thirty (30) days of said installation's completion. A control manhole installed under the provisions of this Chapter will satisfy the access structure requirements of this Section. (Ord. 96-4, 6-3-96)

8-3-9.5: **BASIC USER RATE SCHEDULE:** There is hereby established a basic user rate schedule for the availability and/or use of, or for service supplied by the wastewater facilities of the Village of Morton. For user Classifications I through IV, there shall be a customer charge for service each month, plus a charge per cubic foot of wastewater generated or water consumed, as measured by the monthly meter reading. Effective January 1, 2009, the customer service charge shall be one dollar and seventy-four cents (\$1.74) per month, and the wastewater charge shall be \$0.0326 per cubic foot. The rate for customers tributary to a collection system lift station shall be \$0.0359 per cubic foot. Hereafter, there shall be an automatic five percent (5%) increase to these rates annually on January 1, beginning in 2010 through January 1, 2014. (Ord. 03-43, 03-15-04; amd. Ord. 711, 06-18-07; amd. Ord. 08-27, 11-17-08)

8-3-9.6: **BOD/SS SURCHARGE SCHEDULE:** In addition to the foregoing, there will be a charge per pound of BOD in excess of two hundred and fifty (250) milligrams per liter, and a charge per pound of SS in excess of two hundred and fifty (250) milligrams per liter. Effective January 1, 2009, said surcharge for BOD shall be \$0.5322 per pound, and said surcharge for SS shall be \$0.3095 per pound. Hereafter, there shall be an automatic five percent (5%) increase to these rates annually on January 1, beginning in 2010 through January 1, 2014. (Ord. 03-43, 03-15-04; amd. Ord. 711, 06-18-07; amd. Ord. 08-27, 11-17-08)

8-3-9.7: **REBATES:** A commercial laundry operator may apply for a rebate of four and one-half percent (4.5%) of the net wastewater charge (not to include the customer service charge) for the previous calendar year. To be eligible for a rebate, the facility may only have clothes washing water usage (other than incidental toilet and lavatory sink usage) on the metered account for which the rebate is requested. The application must be submitted to the Village within ninety (90) days of the end of the year. Any application received after the ninety (90) day period will not be considered.

The Village reserves the right to inspect any facility to verify consumption for the metered account, and may approve or reject the request at its sole discretion. (Ord. 09-29, 10-19-09)

**8-3-10: INDUSTRIAL COST RECOVERY:**

**8-3-10.1: INDUSTRIAL COST RECOVERY REQUIRED:** Each industrial user shall pay that portion of any cost incurred by the Village for the financing of the construction of wastewater treatment works allocable to the treatment of the wastewater from such user. (Ord. 96-4, 6-3-96)

**8-3-10.2: DETERMINATION OF INDUSTRIAL POPULATION EQUIVALENT:** An industrial user's portion of any construction costs shall be based on the population equivalents attributable to the wastewater of such user tributary to the wastewater treatment works of the Village. The population equivalents shall be determined by the SPW, incorporating generally acceptable EPA methods. (Ord. 96-4, 6-3-96)

**8-3-10.3: SPW RESPONSIBILITY:** The SPW, or his designee, shall maintain the necessary records for determination of user share of the cost, and shall provide the billing and collection services as required by this Chapter. (Ord. 96-4, 6-3-96; amd. Ord. 04-53, 3-7-05)

**8-3-10.4: VILLAGE TREASURER RESPONSIBILITY:** The Village Treasurer shall be responsible for the investment and expenditure of all moneys collected for industrial cost recovery. (Ord. 96-4, 6-3-96)

**8-3-10.5: MONITORING REQUIRED:** The Superintendent of Wastewater Treatment shall maintain a program of monitoring industrial user discharges as the SPW deems necessary, provided that any major contributing industry shall be monitored no less than two (2) times annually and any industrial use that has a population equivalent greater than or equal to fifty (50) shall be monitored no less than once annually. All other industrial users shall be monitored at such frequency as deemed necessary by the SPW for determination of the population equivalent of the industrial user. The monitoring data collected shall be used to determine the population equivalent. The cost of industrial monitoring shall be twenty five dollars (\$25.00) per month, and the cost of grease trap monitoring shall be five dollars (\$5.00) per month. (Ord. 96-4, 6-3-96; amd. Ord. 00-36, 11-6-00; amd. Ord. 07-11, 6-18-07)

**8-3-13: DEPOSIT OF RECEIPTS:** The Village Treasurer shall receive all of the revenues derived from the Village wastewater treatment and collection 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 Water and Wastewater 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 wastewater treatment and collection 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. 96-4, 6-3-96)

**8-3-14: 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. 96-4, 6-3-96)





## CHAPTER 4

**WATERWORKS AND WATER DISTRIBUTION SYSTEM**

## SECTION:

- 8-4-1: Water Treatment Department
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- 8-4-1.3: Superintendent's Powers And Duties
- 8-4-2: Water Distribution Department
- 8-4-2.1: Establishment Of Water Distribution Department
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- 8-4-2.3: Superintendent's Powers And Duties
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8-4-1: **WATER TREATMENT DEPARTMENT**

8-4-1.1: **ESTABLISHMENT OF WATER TREATMENT DEPARTMENT:** There is herewith established a Water Treatment Department of the Village, to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the operation of the water treatment system of the Village, under the terms and provisions of this Chapter, or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 96-6, 6-17-96)

8-4-1.2: **SUPERINTENDENT OF WATER TREATMENT DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Water Treatment Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Water Treatment Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-6, 6-17-96)

8-4-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Water Treatment Department to:

- (A) Conduct tests thereon;

- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the SPW;
- (D) Advise the public, when requested, in the matter of regulations relating to the water system; and
- (E) Enforce all provisions of this Chapter, under the supervision of the SPW. (Ord. 96-6, 6-17-96)

**8-4-2: WATER DISTRIBUTION DEPARTMENT:**

**8-4-2.1: ESTABLISHMENT OF WATER DISTRIBUTION DEPARTMENT:** There is herewith established a Water Distribution Department of the Village, to be supervised by the SPW, and which Department shall see to the operation of the water distribution system of the Village, under the terms and provisions of this Chapter or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village. (Ord. 96-6, 6-17-96)

**8-4-2.2: SUPERINTENDENT OF WATER DISTRIBUTION DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Water Distribution Department. The Superintendent of the Water Distribution Department shall be the same person who is the Assistant Superintendent of the Gas Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Water Distribution Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein. (Ord. 96-6, 6-17-96; amd. Ord. 00-38, 11-20-00; amd. Ord. 11-01, 5-2-11)

**8-4-2.3: SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Water Distribution Department to:

- (A) Conduct tests thereon;
- (B) Keep records of actions taken and examinations, inspections, and tests made;
- (C) Make a monthly report of his acts and doings to the SPW;
- (D) Advise the public, when requested, in the matter of the regulations relating to the water system; and
- (E) Enforce all provisions of this Chapter under the supervision of the SPW. (Ord. 96-6, 6-17-96)

**8-4-3: MONETARY PENALTY FOR VIOLATION OF CHAPTER:** Any person, firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter, shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue. (Ord. 96-6, 6-17-96; amd. Ord. 99-37, 12-6-99)

**8-4-4: ANNEXATION FEES:**

- (A) Fees for the right to connect to the Village's water system shall be in the amount as set from time to time by the Village Board of Trustees, and shall be stated on a charge per acre basis, unless otherwise specified. Such fees are payable at the time that the land is annexed, unless otherwise specified, and are based on gross acreage, as determined by the SPW. The terms of any separate agreement between a landowner and the Village shall take precedence over this Section, with respect to the time fees are due and the amount of said fees. Said fees are payable before any connections may be made to the water system.

(B) A charge for the right to connect to a water main of fifteen dollars (\$15.00) per front foot of any land shall be due and payable before any connection is made. This charge shall apply to all water mains now in existence or those which may from time to time be constructed in the future, except for the water main along W. Birchwood St. (also known as Illinois Rt. 98), west of I-155, and the water main along N. Main St. (north of Highland St.), for which the charges set forth in subsection (C) below shall apply. This Section shall not apply to any other water main where the cost of same has been paid for by a subdivider or owner, and the Village has otherwise agreed to no further reimbursement. (amd. Ord. 5-43, 2-6-06; amd. Ord. 09-05, 5-4-09)

(C) A charge of two hundred ninety dollars (\$290.00) per acre shall be made for the water service to the land situated within one-quarter (1/4) of a mile on either side of W. Birchwood St. (Illinois Rt. 98), and the minimum charge for any one tract of land shall be equal to the charge for a five (5) acre tract, or one thousand four hundred fifty dollars (\$1,450.00). The above-established charge for connection to the W. Birchwood St. water main for land on both sides of W. Birchwood St. (Illinois Rt. 98) applies only to such land west of I-155.

A charge of one hundred forty five dollars (\$145.00) per acre shall be made for the water service to land beyond the one-quarter (1/4) of a mile distance on either side of W. Birchwood St. (Illinois Rt. 98), and the minimum charge for any one tract of such land shall be equal to the charge for a five (5) acre tract, or seven hundred twenty five dollars (\$725.00). The above-established charge for connection to the W. Birchwood St. water main for land on both sides of W. Birchwood St. (Illinois Rt. 98) applies only to such land west of I-155.

A charge of six hundred sixty five dollars (\$665.00) per acre shall be made for the water service to the land situated within one-quarter (1/4) of a mile on either side of N. Main St., and the minimum charge for any one tract of such land shall be equal to the charge for a five (5) acre tract, or three thousand three hundred twenty five dollars (\$3,325.00). The above-established charge for connection to the N. Main St. water main for land on both sides of N. Main St. applies only to such land north of Highland St., with the exception of Wolf Crossing Subdivision, Highland Street Subdivision, and Morton Park District property. (amd. Ord. 09-05, 5-4-09)

Said charge shall be paid in full before a connection to said water main, either directly or indirectly, and any such connection made without the full payment having first been made shall result in the disconnection of such connection, in addition to other penalties as provided in this Chapter. (Ord. 04-53, 3-7-05)

(D) No building permits shall be issued until any and all charges associated with water service or annexation have been paid in full.

(E) The SPW shall cause records to be maintained showing at all times which lands are paid and which lands are not paid. (Ord. 96-6, 6-17-96; amd. Ord. 04-53, 3-7-05)

8-4-5: **CONNECTING TO THE VILLAGE WATER SYSTEM:**

(A) Any and all persons desiring water from the Village water system shall apply for service at the office of the SPW. The applicant shall also make arrangements to purchase from the Village an approved water meter at a price as is from time to time established by the SPW. All annexation and tap-in fees must be paid before service will be allowed. Any and all connections into the Village's water distribution system shall be made by Village personnel, unless otherwise approved by the SPW. The property owner shall be responsible for time and material charges for the work done by the Village or for the inspection fee for approved contractor connection to an existing service lateral. In addition to any other fees, a water tap permit fee shall be due in the amount of fifty dollars (\$50.00) prior to connection. (Ord. 96-6, 6-17-96; amd. Ord. 03-02, 7-7-03; amd. Ord. 05-19, 9-19-05; amd. Ord. 05-19, 9-19-05)

- (B) The use or attempt to use a potable water supply for irrigation purposes or groundwater from within the corporate limits of the Village of Morton by the installation or drilling of private wells, or by any other method, is hereby prohibited. (amd. Ord. 05-19, 9-19-05)
- (C) The Board of Trustees may allow the installation of or drilling of private wells as a potable water supply or for irrigation purposes if all of the following criteria exist:
1. The prohibition would cause an extreme hardship on the property owner.
  2. There are unique circumstances that apply to that property and which do not apply to other property.
  3. The cost of an alternative supply of water would make the use of the property economically unfeasible.
  4. The person requesting use of the well can demonstrate that there would be no health hazard or contamination from the well.

Notwithstanding the granting of an exemption, if a public water supply becomes available, then the property owner must hook up to the public water supply, and abandon any private well then in existence. It shall be abandoned in accordance with State and County regulations. Available water supply means there is a water main within two hundred feet (200') of any property line describing the lot in question. (amd. Ord. 05-19, 9-19-05)

8-4-6: **MATERIALS, COST, TITLE, AND RESPONSIBILITY:** In all services hereafter installed, only approved copper pipe or approved polyethylene pipe (or a substitute approved in writing by the SPW) and approved brass or copper fittings shall be used from the main to the meter. The entire cost of installing the connection between the main and the meter, including labor, materials, excavating, and refilling trenches, shall be borne by the applicant. All work done and materials used shall meet the reasonable specifications of the SPW. The title of all material used from the main, up to and including the curb stop, shall, immediately upon installation and approval, vest in and become the property of the Village. The Village will maintain, repair, replace, and mark locations for excavation up to and including the curb stop. The service line, beginning with the outlet connection to the curb stop, remains the responsibility of the property owner. The curb stop is the first valve on the service line off of the main. The curb stop is the Village property and is not to be tampered with by any property owner, plumber, or other non-Village personnel. (Ord. 96-6, 6-17-96)

8-4-7: **INSPECTION AND APPROVAL:** All service line installations/repairs shall be made under the supervision of the SPW and must be approved by him before the water service can be turned on. For new mains, all hydrostatic pressure and leakage testing (including filling, flushing, and disinfection testing) shall be performed by the Village of Morton Water Department with the cost to be paid by the developer or contractor.

The fee for one set of tests shall be set by the Superintendent of Public Works and is due before the work is to be done. If the system fails to pass any of the tests, retesting shall be done at an additional time and material cost, which is also the responsibility of the developer or contractor. (Ord. 96-6, 6-17-96; amd. Ord. 02-35, 3-17-03)

8-4-8: **VILLAGE NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY:**

- (A) The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs or improvements, enforce rules, or for any operating reason. When possible, a reasonable notice of circumstances will be given to the customers, but in an emergency, the water 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) 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 water service furnished shall also be conditional upon acts of God, inevitable accidents, fire, strikes, riots, or any other cause. (Ord. 96-6, 6-17-96)

8-4-9: **WATER RATE SCHEDULE:**

- (A) Effective January 1, 2009, general service for all types of users, except multi-family and mobile home park users, as specified in Subsection (B) of this Section:

Customer service charge	\$9.22 per month
First 3000 cu. ft.	\$0.0250 per cu. ft.
All consumption over 3000 cu. ft.	\$0.0174 per cu. ft.

Hereafter, there shall be an automatic five percent (5%) increase to these rates annually on January 1, beginning in 2010 through January 1, 2014.

(Ord 03-43, 03-15-04; amd. Ord. 07-10, 6-18-07; amd. Ord. 08-28, 11-17-08)

- (B) Effective January 1, 2009, general service for multi-family units and mobile home parks, wherever more than one (1) living unit is metered through one (1) meter, with the monthly customer service charge being the same as that in subsection (A) of this section:

All consumption	\$0.0250 cu. ft.
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Hereafter, there shall be an automatic five percent (5%) increase to this rate annually on January 1, beginning in 2010 through January 1, 2014.

(Ord 03-43, 03-15-04; amd. Ord. 07-10, 6-18-07; amd. Ord. 08-28, 11-17-08)

- (C) The customer charge shall be issued to all users within thirty (30) days of the purchase of a water meter by the user, and a bill shall be issued each month thereafter, based on the rates herein, unless water service is discontinued pursuant to the request of the users, property owner, or Village. (Ord. 96-6, 6-17-96)

8-4-10: **METERS:**

- (A) All water supplied shall be metered to the consumer. As soon as the permanent building water piping is in place, an approved water meter purchased from the Village must be properly installed for each connection at such places that all water used will be registered, provided that immediately upon installation and approval, the title to said meter shall vest in and become the property of, and be under the control and supervision of the Village. No "jumpers" of any type are permitted at any time. The presence of a "jumper" in place of a meter is a violation of this Chapter, and shall be subject to the penalties provided in this Chapter. In addition, service to the subject property shall be terminated, and the owner shall be responsible for the cost of estimated water consumed. All water meters shall be kept in good working order and will be repaired by the Village at its expense, except for repairs due to neglect or abuse by the user (which includes allowing the meter to be damaged by freezing). All meters shall be connected to an electric meter reading device (r-o-m). Wiring connecting the meter to the r-o-m shall be installed and maintained by the owner. The Village shall provide the wire. If the wiring fails for any reason, the owner shall repair it within thirty (30) days of notification, or shall be subject to discontinuation of service, as outlined in Sec. 8-4-21 of this Code. (amd. Ord. 04-44, 11-15-04)

- (B) Water bills are issued monthly, based on the reading on the r-o-m. The Village will, from time to time, compare the two readings. In the event there is any discrepancy between the r-o-m and the meter located on the inside of the premises, then the inside meter shall be considered accurate, except in cases of fraud or obvious malfunction. (Ord. 04-44, 11-15-04)
- (C) The water meter and r-o-m shall be accessible to Village personnel at any reasonable time for reading, inspection, and maintenance. Fences, decks, and other structures may not be located so as to hinder access to the water meter or r-o-m. A fence may not be installed fully enclosing the location of an r-o-m, until the r-o-m has been relocated (at the owner's expense) outside of the proposed fenced area. Upon notification by the Village, any and all obstructions, including trees or bushes, must be removed by the consumer to allow adequate access to the meter. If the obstruction is not removed within five (5) days of notification, or if the meter is not moved outside the fenced area within thirty (30) days, the Village may terminate service, or in the case of trees or bushes, the Village may remove said obstruction. (amd. Ord. 06-11, 6-5-06)
- (D) New or relocated r-o-m's shall be positioned as close as practical to the gas meter and shall be a minimum of thirty two inches (32") above the ground. All locations must be approved by the Village. (Ord. 96-6, 6-17-96)

8-4-13: **PRIVATE FIRE HYDRANTS:**

- (A) Private fire hydrants are defined as those hydrants directly connected to the Village water system, and installed by a property owner for the sole benefit of private property, whether located on the public r-o-w or not. These do not include those hydrants required by the Village for the general public's fire protection, as specified in Section 11-5-7(G).
- (B) Per Section 8-4-5, any private fire hydrant and its installation must be approved by the Village, and must comply with subdivision standards under Section 11-1-5. Operation and usage must comply with all other regulations of this Chapter.
- (C) Effective October 1, 2007, the Village Water Distribution Department will conduct an annual inspection, with minor maintenance, on all new private fire hydrants, as well as those existing hydrants which, at the sole discretion of the Superintendent of Water Distribution (SWD), meet Village standards. "Minor maintenance" shall include exercising, painting (as needed), and lubricating the hydrant. The owner of any private fire hydrant shall receive a charge for this service of five dollars (\$5.00) per hydrant, per month, on the property's water billing. The first inspection shall be completed by May 1, 2008. Any repairs required which exceed "minor maintenance" may be performed by the Village on a time and material basis, or by a private contractor approved by the SWD, and at the expense of the owner of the private hydrant.
- (D) The Village reserves the right to decline the maintenance service if the private fire hydrant does not meet Village standards or if it is not serviceable, due to its location or any other adverse circumstance.
- (E) The Village does not assume responsibility for the adequacy of private fire hydrants nor the appropriateness of their location. Neither does the Village insure the uninterrupted operability of hydrants.
- (F) The program shall not apply to owners of private hydrants who can demonstrate annually, to the satisfaction of the SWD, that their hydrants are being maintained in accordance with NFPA 25 standards. (Ord. 07-23, 7-16-07)

8-4-14: **FIRE SPRINKLER SYSTEMS:**

- (A) All existing and future fire sprinkler systems, directly or indirectly connected to the Village's water system, must comply with the regulations of the Illinois EPA and the Illinois State Plumbing Code, with respect to backflow prevention.
- (B) No hazardous chemicals (antifreeze, potassium permanganate, formaldehyde, etc.) are allowed in systems directly or indirectly connected to the Village water system.
- (C) All future systems, only as applicable to Title 8, Chapter 4, must be approved by the SPW before issuing a building permit (for new construction) or before installing such a system only (for existing structures). (amd. Ord. 04-09, 6-21-04)
- (D) All systems using a pump must be equipped with low-pressure cut-off switch set at twenty (20) psi at the Village main. The owner of the premises must maintain said cut-off switch, test it, and certify to its accuracy at least once a year. Said certification must be made, in writing, by a qualified party acceptable to the SPW. (Ord. 96-6, 6-17-96)

8-4-15: **CROSS-CONNECTIONS:**

- (A) If, in accordance with the Illinois State Plumbing Code or EPA regulations, or in the judgment of the SPW, an approved backflow prevention device is necessary for the safety of the public water supply system, the SPW shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois State Plumbing Code and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois State Plumbing Code and local regulations. Any customer whose inspection report has not been received in the Village offices by the date specified in the annual notice shall be subject to a penalty of fifty dollars (\$50.00) per device. (amd. Ord. 00-36, 11-6-00)
- (B) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the Village enters the supply or distribution system of said Municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the SPW and the Illinois EPA.
- (C) It shall be the duty of the SPW to cause surveys and investigations to be made of commercial, industrial, and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as often as the SPW shall deem necessary. Records of such surveys shall be maintained and available for a review for a period of at least five (5) years.
- (D) The Village or its agents shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village for the purpose of verifying the presence or absence of cross-connections, for the purpose of verifying information submitted by the customer regarding cross-connection control inspection, and for the purpose of inspecting and observing any appurtenances and/or metering devices connected with the Village water system. On demand, the owner, lessees, or occupants of any property so served shall furnish to the SPW any information which he may request regarding the piping system or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the SPW, be deemed evidence of the presence of improper connections as provided in this Section.
- (E) The SPW has on file regulations governing the installation and maintenance of cross-connection control devices which must be adhered to.

- (F) The SPW of the Village is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Section, and until a reconnection fee equal to the actual time and material charges to reconnect is paid to the Village. Immediate disconnection with verbal notice can be effected when the SPW is convinced that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection.
- (G) The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross-connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, shall bear the cost of cleanup of the potable water supply system. (Ord. 96-6, 6-17-96)

8-4-16: **WATER LEAKAGE:**

- (A) Effective November 1, 2008, the Village shall adopt a policy of forgiveness for internal water leaks (see definition below) at a water service location with the following rules:
1. Internal water leaks shall consist of plumbing failures within the heated interior portion of a structure. This would not include outdoor plumbing, such as exterior faucets, irrigation systems, pools, or any other plumbing outside the structure, or plumbing contained in an area of the structure which is not heated.
  2. The forgiveness shall be applied only to a claimant once in a five (5) year period, commencing with the first forgiveness. The five year period shall apply to all properties owned by the claimant, whether personal residence, business property, or rental property.
  3. Forgiveness will be considered only if the usage billed is greater than two (2) times the average monthly usage over the previous 12 months.
  4. The owner of the service account (bill to individual) must request the forgiveness by completing the "Water Forgiveness Request Form" and submitting it to the Morton Village Office, 120 N. Main Street, Morton, Illinois, 61550. The form must be completed and returned within 30 days of billing date for the bill for which forgiveness is sought.
  5. The request must be based upon an internal plumbing failure within the service locations water system, the nature of which is to be specified when requesting the forgiveness. Documentation will be required in the form of detailed receipts from certified plumbers; or in the event those repairs were made by the individual, receipts for any plumbing hardware or supplies purchased to make the repair. Photographs of the leak prior to and following repair may be requested.
  6. Water system failures must be repaired in a timely fashion, not to exceed ten (10) days from discovery and prior to submission of the Water Forgiveness Request Form.
  7. Forgiveness will be for the water usage in excess of two (2) times the previous 12 months average usage in cubic feet, as calculated by the Village staff. The Village will calculate the forgiveness amount on the usage of the bill in question along with the bill for the period following the bill in question, in order to consider the excess usage for the subsequent billing period prior to repairs being made. The forgiveness amount will include both the water and sewer charges for the total calculated excess usage.



8. Bill adjustments will not exceed \$500.

9. Forgiveness is allowed only for plumbing system failures and is applied equally to water and sewer charges. There shall be no forgiveness for only water or only sewer when the excess usage is the result of any other cause.  
(Ord. 08-20, 10-6-08; amd. Ord. 19-09, 8-6-18)

(B) In the event there exists a water leak on the owner's piping between the water meter and the curb stop, it shall be the responsibility of the owner of the property on which said leak is located to repair said leak within ten (10) days after receiving written notice from the Village by first class mail, advising the property owner of the leak. If said leak is not repaired within the ten (10) day period, the Village shall discontinue water service to the property without further notice. The Village may estimate the amount of water lost and bill the property owner for same. The property owner may request forgiveness (8-4-16, Section A) in lieu of payment for the water lost. (Ord. 96-6, 6-17-96; amd. Ord. 08-20, 10-6-08)

8-4-17: **ILLEGAL USE OF WATER:** In the event the usage of unmetered water is detected, water service to the property shall be terminated immediately, without notice, and the owner of the property on which the violation exists shall be subject to the penalties provided in this Chapter, in addition to the cost of water consumed. (Ord. 96-6, 6-17-96)

8-4-18: **RESALE:** No water 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 water installed, except in the case of emergency. (Ord. 96-6, 6-17-96)

8-4-19: **TAMPERING:** It shall be unlawful for any person not authorized by the Village to tamper with, alter, operate, or injure any part of the Village waterworks or supply system, or any meter, remote meter reading device valve, curb stop, or fire hydrant of said system. (Ord. 96-6, 6-17-96)

8-4-20: **PROHIBITION OF WATERING OF LAWNS AND GARDENS, WASHING OF AUTOMOBILES, AND FILLING OF SWIMMING POOLS:**

(A) The President of the Board of Trustees, the SPW, or the Superintendents of Water Treatment or Distribution are hereby empowered and authorized to prohibit the use of water from the Village water system for the watering of lawns and gardens, the washing of automobiles, and the filling of swimming pools during periods of water shortage or low water pressure in the water system.

(B) Any party who so uses such water during the period of such prohibition shall be in violation of this Section, and upon conviction thereof, shall be subject to the penalties provided in this Chapter. Any party who persists in the continued use of such water during the period of such prohibition shall be subject to immediate termination of water service by order of any of the officials named in subsection (A) above. (Ord. 96-6, 6-17-96)

8-4-21: **SERVICE DISCONTINUED AND RENEWAL THEREOF:** The Village reserves the right to discontinue water service to any premises where the owner or tenant of such premises is guilty of a violation of any of the provisions of this Chapter or where a dangerous condition is found to exist. When such service is discontinued and the water is shut off, whether by the Village or at the request of the property owner, the water shall not again be turned on or supplied to such premises until all delinquent charges due the Village have been paid and there is no existing default or violation of any of the provisions of the several sections of this Chapter or the dangerous condition has been eliminated. A written application shall be filed with the proper Village officials for the renewal of such water service, which application shall be accompanied by a fee of fifty dollars (\$50.00) to pay for the shutting off and turning on of the water supply. No customer, plumber, or any other person shall be permitted to use the curb stop of the service connection for shutting off water while making extensions, additions, or repairs to the pipe or equipment on the premises. Such shutoff or discontinuance or interruption of service shall be made only by the Village or its properly authorized employees. There is no charge to shut off or turn on a service if scheduled and performed during normal working hours. At all other times, the fifty dollar (\$50.00) fee is applicable.

Discontinuance of service by the Village for violation shall not be made except on written notice of at least three (3) days, mailed to such customer at his address, as shown upon the records of the Village, or personally delivered to him or a member of his household, advising the customer what particular rule has been violated for which service will be discontinued if the violation is permitted to continue; provided, however, that where the fraudulent use of water is detected, where the Village regulating or measuring equipment has been tampered with, where cross-connection regulations have been violated, or where a dangerous condition is found to exist on the customer's premises, service may be shut off without notice in advance. (Ord. 96-6, 6-17-96; amd. Ord. 01-14, 8-6-01)

8-4-22: **MINIMUM / MAXIMUM SETBACK ZONE PROVISIONS FOR GROUNDWATER PROTECTION:**

(A) Pursuant to the authority conferred by 65 ILCS 5/11-125-4 (1994) and 415 ILCS 5/14.2 and 5/14.3 (1994); and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of the Municipality's groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply, the provisions of this Section shall apply to all properties located within the minimum setback zone established under section 14.2 of the Environmental Protection Act ("Act" - 415 ILCS 5/14.2 [1994]) and this Section, and the maximum setback zone established under section 14.3 of the Act (415 ILCS 5/14.3 [1994]) and this Section.

(B) Except as stated in this subsection, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Section shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 55/1 [1994]):

ACT: The Environmental Protection Act (415 ILCS 5/1, et seq. [1994]).

AGENCY: The Illinois Environmental Protection Agency.

BOARD: The Illinois Pollution Control Board.

MAXIMUM SETBACK ZONE: The area around a community water supply well established under section 14.3 of the Act and this Section, a map of which is kept on file in the office of the Superintendent of Water Treatment.

MINIMUM SETBACK ZONE: The area around a community water supply well established under section 14.2 of the Act and this Section, a map of which is kept on file in the office of the Superintendent of Water Treatment.

## (C) Prohibitions:

1. Except as provided in subsections (D) and (E) of this Section, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.
2. Except as provided otherwise in subsection (D) below, no person shall place a new potential primary source within the maximum setback zone.

## (D) Waivers, Exceptions, And Certifications Of Minimal Hazard:

1. If, pursuant to section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from subsection (C)1 above.
2. If, pursuant to section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from subsection (C)1 above.
3. If, pursuant to section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from subsection (C)2 above.
4. If, pursuant to section 14.5 of the Act, the owner of a new potential primary source, new secondary source, or new potential route is issued a certificate of minimal hazard by the Agency, such owner shall not be subject to subsection (C)1 above to the same extent that such owner is not subject to section 14.2(d) of the Act.

(E) Subsection (C)1 above shall not apply to new common sources of sanitary pollution as specified pursuant to Section 17 of the Act and the regulations adopted thereunder by the Agency; however, no such common sources may be located within the applicable minimum distance from a community water supply well specified by such regulations. (Ord. 96-6, 6-17-96)

8-4-23: **DEPOSIT OF RECEIPTS:** The Village Treasurer shall receive all of the revenues derived from the Village water 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 Water and Wastewater 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 water 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. 96-6, 6-17-96)

8-4-24: **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. 96-6, 6-17-96)



## CHAPTER 5

**STORM WATER UTILITY**

## SECTION:

- 8-5-1: Storm Water Utility And Storm Water Fund
- 8-5-1.1: Establishment Of A Storm Water Utility
- 8-5-1.2: Storm Water Utility Management
- 8-5-1.3: Establishment Of A Storm Water Fund
- 8-5-2: Definitions
- 8-5-3: Scope Of Responsibility For The Storm Water Utility
- 8-5-4: Determination Of Storm Water Service Charges
- 8-5-5: Storm Water Service Charges
- 8-5-5.1: Detached Single Family Residential Property Charges
- 8-5-5.2: Parcels Other Than Detached Single Family Residential
- 8-5-6: Exemptions And Credits
- 8-5-6.1: Exemptions Applicable To Storm Water Service Charges
- 8-5-6.2: Credits Applicable To Storm Water Service Charges
- 8-5-6.3: Maintaining Credits
- 8-5-7: Appeals
- 8-5-7.1: Appeal To The Superintendent Of Public Works
- 8-5-7.2: Superintendent Of Public Works Responsibilities
- 8-5-7.3: Appeal Of The Superintendent Of Public Works' Decision
- 8-5-7.4: Appeal Of The Village Board Decision

8-5-1: **STORM WATER UTILITY AND STORM WATER FUND:**

8-5-1.1: **ESTABLISHMENT OF A STORM WATER UTILITY:** The Village hereby establishes a Storm Water Utility to provide for the management, protection, control, regulation, use, and enhancement of the storm water systems, and facilities owned or operated by the Village.

8-5-1.2: **STORM WATER UTILITY MANAGEMENT:** The management and supervision of the Storm Water Utility shall be under the direction of the Superintendent of Public Works (SPW).

8-5-1.3: **ESTABLISHMENT OF A STORM WATER FUND:** The Village hereby establishes a Storm Water Fund. All revenues of the Storm Water Utility shall be deposited into the Storm Water Fund and used for purposes of the Storm Water Utility as deemed appropriate by the Village Board.

8-5-2: **DEFINITIONS:**

8-5-2.1: **CREDIT:** Credit means a conditional reduction in the amount of a storm water service charge to an individual property based upon the provisions of the Village of Morton Storm Water Credit Manual as now in effect or as may be amended from time to time. (amd. Ord. 06-07, 5-15-06)

8-5-2.2: **DETACHED SINGLE FAMILY RESIDENTIAL:** Detached single-family residential (DSFR) means developed land containing one dwelling structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. DSFR units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. Billing for storm water user fees is based on land usage, not zoning. Some residentially zoned properties house small businesses, resulting in a classification of non-residential property. (amd. Ord. 06-07, 5-15-06)

- 8-5-2.3: **DEVELOPED LAND:** Developed land means property that has been altered from its natural state by the addition of impervious area(s) equal to at least one (1) percent of the gross area.
- 8-5-2.4: **EQUIVALENT RESIDENTIAL UNIT:** Equivalent residential unit (ERU) shall be used as the basis for determining the storm water service charge to a parcel. Three thousand three hundred (3,300) square feet of impervious area shall be one (1) ERU. The number of ERU's attributed to a parcel will be determined by dividing the total impervious area (square feet) of the parcel by three thousand three hundred (3,300) and rounding the result to the nearest integer (.5 rounds up). (amd. Ord. 06-07, 5-15-06)
- 8-5-2.5: **IMPERVIOUS AREA OR IMPERVIOUS SURFACE:** Impervious area or impervious surface means those areas that prevent or impede the infiltration of storm water into the soil. Common impervious areas include, but are not limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted aggregate, and awnings.
- 8-5-2.6: **STORM WATER SYSTEM:** Storm water system shall mean a conveyance or system of conveyances and shall include sewers, storm drains, curbs, gutters, ditches, retention ponds or basins, dams, stream impoundments, man-made channels or storm drains, and flood control facilities and appurtenances thereof which are designed or used for the collection, control, transportation, treatment, or discharge of storm water.
- 8-5-2.7: **VILLAGE:** Village means the Village of Morton, a municipal corporation organized under the laws of the State of Illinois.
- 8-5-3: **SCOPE OF RESPONSIBILITY FOR THE STORM WATER UTILITY:** The Storm Water Utility shall be responsible for the operation, maintenance, management, and improvement of the storm water system owned by the Village, including all activities required by the NPDES Storm Water Permit.
- 8-5-4: **DETERMINATION OF STORM WATER SERVICE CHARGES:** Storm water service charges shall be determined by the Village Board. The revenue generated by storm water service charges, together with any other sources of revenue that may be made available to the Storm Water Utility, will be sufficient to meet the obligations of the Storm Water Utility.
- 8-5-5: **STORM WATER SERVICE CHARGES:**
- 8-5-5.1: **DETACHED SINGLE-FAMILY RESIDENTIAL PROPERTY:** Developed properties will be charged one (1) ERU each. The charge per ERU is \$4.88 per month (net \$4.64). There shall be an automatic three percent (3%) increase to these rates annually on May 1 beginning 2012 and through May 1, 2015. (amd. Ord. 06-07, 5-15-06; amd. Ord. 10-27, 1-3-11)
- 8-5-5.2: **PARCELS OTHER THAN DETACHED SINGLE-FAMILY RESIDENTIAL:**
- (A) Developed properties other than detached single-family residential will be charged based on the number of ERU's on the property. The charge per ERU will be \$4.88 per month (net \$4.64). There shall be an automatic three percent (3%) increase to these rates annually on May 1 beginning 2012 and through May 1, 2015. (amd. Ord. 10-27, 1-3-11)
  - (B) Duplexes will be billed a minimum of one (1) ERU per dwelling unit.
  - (C) The minimum storm water utility bill for a developed property will be one (1) ERU.
  - (D) If a multiple-occupant property can be invoiced on one (1) bill, the ERU charge will be exactly as calculated. If the invoice is divided among the occupants, and each is billed, the minimum billing will be one (1) ERU per occupant, with fractions rounded to the nearest whole number (.5 rounds up).

(E) Billing is done in whole ERU's, with fractions rounded to the nearest whole number (.5 rounds up). (amd. Ord. 06-07, 5-15-06)

8-5-6: **EXEMPTIONS AND CREDITS:**

8-5-6.1: **EXEMPTIONS APPLICABLE TO STORM WATER SERVICE CHARGES:** All property in the Village shall be charged storm water service charges except rights-of-way owned by the Village, a township, Tazewell County, the State of Illinois, the Federal Government, or a railroad. (amd. Ord. 06-07, 5-15-06)

8-5-6.2: **CREDITS APPLICABLE TO STORM WATER SERVICE CHARGES:** Parcels shall be eligible to receive a storm water service charge credit based upon the requirements of the Village of Morton Storm Water Credit Manual. (amd. Ord. 06-07, 5-15-06)

8-5-6.3: **MAINTAINING CREDITS:** Any credit allowed against the storm water service charge is conditioned upon continuing compliance with the Village of Morton Storm Water Credit Manual. (amd. Ord. 06-07, 5-15-06)

8-5-7: **APPEALS:** Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner:

8-5-7.1: **APPEAL TO THE SUPERINTENDENT OF PUBLIC WORKS:** An appeal must be filed in writing with the SPW. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any storm water management features, such as detention ponds, or conditions which influence the hydrologic response of the property to rainfall events.

8-5-7.2: **RESPONSIBILITIES OF THE SUPERINTENDENT OF PUBLIC WORKS:** Using the information provided by the appellant, the SPW shall conduct a technical review of the conditions on the property and respond to the appeal in writing within sixty (60) days. If the review reveals the customer has been overcharged for the storm water utility fee, the Public Works Department will notify the Village billing department of the amount of the refund due to the customer paying the storm water utility fee. Any refund due as a result of overcharging of the storm water utility fee will be credited to the customer's future utility bills. The maximum time frame for credit reimbursement shall be no more than six (6) months. If the review indicates the customer has been receiving a storm water utility bill that is less than the amount he should have been charged, the Public Works Department shall notify the Village billing department of the increase necessary to bring the storm water utility fee to the proper amount. The Village will not make any attempt to recoup the storm water utility fees previously uncollected. (amd. Ord. 06-07, 5-15-06)

8-5-7.3: **APPEAL OF THE SUPERINTENDENT OF PUBLIC WORKS DECISION:** A decision of the SPW that is adverse to an appellant may be appealed to the Village Board within thirty (30) days of receipt of notice of the adverse decision. The appeal must be filed in writing with the Village Board by the appellant and include a detailed explanation of the grounds for the appeal. The Village Board shall issue a written decision on the appeal within sixty (60) days.

8-5-7.4: **APPEAL OF THE VILLAGE BOARD DECISION:** Any appeal of the decision of the Village Board must be made pursuant to the Illinois Administrative Review Act.





## CHAPTER 6

**WEEDS**

## SECTION:

- 8-6-1: Weeds Declared A Nuisance
- 8-6-2: Height
- 8-6-3: Barberry Bushes
- 8-6-4: Growth Prohibited
- 8-6-5: Authority To Abate
- 8-6-6: Abatement; Lien
- 8-6-7: Payment And Release
- 8-6-8: Penalty For Violation

8-6-1: **WEEDS DECLARED A NUISANCE:** Any weeds, such as jimson, burdock, ragweed, thistle, cocklebur, or other weeds of a like kind, found growing in any lot or tract of land in the Village are hereby declared to be a nuisance, and it shall be unlawful to permit any such weeds to grow or remain on any such place.<sup>1</sup> (1944 Code, Sec. 393; amd. Ord. 96-40, 4-7-97)

8-6-2: **HEIGHT:** It shall be unlawful to permit any weeds, grass, or plants other than trees, bushes, flowers, vegetables, or other ornamental plants to grow to a height exceeding eight inches (8") anywhere in the Village; and any such plants or weeds exceeding such height are declared to be a nuisance. (1944 Code, Sec. 394; amd. Ord. 96-40, 4-7-97)

8-6-3: **BARBERRY BUSHES:** It shall be a nuisance and unlawful to plant or permit the growth of the bush of the tall, common, or European Barberry, further known as *Berberis vulgaris* or its horticultural varieties, within the Village. (1944 Code, Sec. 395; amd. Ord. 96-40, 4-7-97)

8-6-4: **GROWTH PROHIBITED:** It shall be unlawful for any party owning, leasing, occupying, controlling, or responsible for any lot or parcel of land to permit growth thereon or between the property lines thereof and the curb of any adjoining street or if there is no curb to the edge of the pavement or if no curb or pavement to the traveled part of an alley, as prohibited in Section 8-6-2 of this Chapter. This applies to all property in the corporate limits which is improved or subdivided. Notwithstanding the foregoing, if, in the opinion of the Zoning Enforcement Officer an area is not safely maintainable with normal mowing equipment, then the foregoing requirement shall not apply to that area. (Ord. 674, 5-17-76; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-07, 7-7-03; amd. Ord. 03-21, 10-6-03)

8-6-5: **AUTHORITY TO ABATE:** In the event any property is in violation of this Chapter the Village may, at its discretion, cut any weeds, grass, or plants, other than trees, bushes, flowers, vegetables, or other ornamental plants and assess the cost to the owner of the property and file a lien against the property as provided in this Chapter. (Ord. 90-1, 6-4-90; amd. Ord. 96-40, 4-7-97)

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<sup>1</sup> For Statute authority, see S.H.A. 65 ILCS 5/11-20-6.

8-6-6: **ABATEMENT; LIEN:** If the Village has abated the nuisance, the costs thereof shall be recoverable from the owner and the Village may place a lien on the land until payment is made.

Within sixty (60) days after the cost and expense is incurred by the Village or the party performing the service by authority of the Village, in his or its name, may file a notice of lien in the office of the Recorder of Deeds of Tazewell County, Illinois. Notice to the person to whom was sent the tax bill for the general taxes on the property for the last proceeding year shall be sent by certified mail or personally served on the person.

The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification thereof,
- (B) The amount of money representing the cost and expense incurred or payable for the service, and
- (C) The date or dates when such cost and expense was incurred by the Village. (Ord. 674, 5-17-76; Ord. 90-1, 6-4-90; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-07, 7-7-03)

8-6-7: **PAYMENT AND RELEASE:** Upon payment of the cost and expense by the owner of or persons interested in such property after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien; provided, however, no lien shall be released until the total cost and expense including the actual costs, filing fees, and other costs of administration and interest are satisfied by payment in full. (Ord. 674, 5-17-76; amd. Ord. 96-40, 4-7-97)

8-6-8: **PENALTY FOR VIOLATION:** In addition to the abatement and lien procedures provided for in this Chapter any person violating any of the provisions of this Chapter shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of seven hundred and fifty dollars (\$750.00) and each and every day a violation occurs shall be deemed a separate offense. (Ord. 03-07, 7-7-03)

CHAPTER 7  
STORM DRAINS

## SECTION:

- 8-7-1: Connection Prohibited  
 8-7-2: Special Charge  
 8-7-3: Special Charge For Storm Sewer Tap-Ins

8-7-1: **CONNECTION PROHIBITED:** It shall be unlawful for any person to connect, or cause to be connected, any drain carrying, or to carry, any toilet, sink, basement, septic tank, cesspool, industrial waste, or any fixture or device discharging polluting substances, to any separate storm water drain in the Village. (Ord. 103, 11-15-54)

8-7-2: **SPECIAL CHARGE:** A charge of two hundred thirty five dollars (\$235.00) per lot shall be made for storm sewer service for territory annexed to the Village, which shall benefit by reason of the construction at the sewer portion of Paving Improvement No. 58-B. Said charges shall be paid in full before the Village shall approve the annexation of any territory to the Village, and any territory not subdivided into lots shall be deemed to contain three (3) lots per acre. (Ord. 224, 10-17-60)

8-7-3: **SPECIAL CHARGE FOR STORM SEWER TAP-INS:** A charge for the right to connect to a storm sewer of ten dollars (\$10.00) per front foot of any land shall be due and payable before any connection is made. This charge shall apply to all storm sewers now in existence, as well as those which may from time to time be constructed in the future. This Section shall not apply to any storm sewer where the cost of same has been paid for by a subdivider or owner, and the Village has otherwise agreed to no further reimbursement. This charge shall also not apply to any property which was required to be disconnected from a sanitary sewer and then connected to a storm sewer. Work shall be done as specified on Title 8 Chapter 3, including permits, licenses, and fees. (Ord. 03-02, 7-7-03)



## CHAPTER 8

**MAINTENANCE OF PRIVATE PROPERTY**

## SECTION:

- 8-8-1: Definition Of Nuisance
- 8-8-2: Duty Of Maintenance Of Private Property
- 8-8-3: Exterior Storage Prohibited
- 8-8-4: Notice To Abate
- 8-8-5: Penalty For Failure To Abate Such Nuisance
- 8-8-6: Abatement By Village
- 8-8-7: Abatement; Lien
- 8-8-8: Payment And Release
- 8-8-9: Dilapidated Structures

8-8-1: **DEFINITION OF NUISANCE:** For the purposes of this Chapter, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause diminution in the value of other property in the neighborhood in which such premises are located. This includes, but is not limited to, the keeping or the depositing on, or the scattering over the premises of garbage or debris, and any dilapidated structures. (amd. Ord. 07-59, 2-18-08)

The following definitions apply:

**GARBAGE:** Wastes resulting from the handling, preparation, cooking, and consumption of food; wastes from the handling, storage, and sale of produce.

**DEBRIS:** Includes but is not limited to lumber, junk, trash, abandoned, discarded, or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers, ashes, and refuse.

**ASHES:** Residue from fires used for cooking and for heating buildings.

**REFUSE:** Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding; noncombustible trash, including, but not limited to, metal, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass crockery, other mineral wastes; street rubbish, including, but not limited to, street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles; but “refuse” does not mean earth and waste from building operations, nor shall it include solid wastes resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, limber, scraps, and shavings. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03)

**DILAPIDATED STRUCTURES:** Any structure that has broken windows, missing siding, substantial trim missing, significant portions of exterior missing, boarded doors or windows, missing doors, portions of roof exposed, significant portions of roof missing, or any similar condition showing the structure is in a significant state of disrepair. (amd. Ord. 07-59, 2-18-08)

8-8-2: **DUTY OF MAINTENANCE OF PRIVATE PROPERTY:** No person, owning, leasing, occupying, or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person, keep or maintain such premises in a manner causing diminution in the value of other property in the neighborhood in which such premises are located. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 07-59, 2-18-08)

8-8-3: **EXTERIOR STORAGE PROHIBITED:** No person, in charge of or in control of premises, whether as owner, lessee, tenant, occupant, or otherwise, shall allow any garbage or debris to remain on such property longer than five (5) days. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03)

8-8-4: **NOTICE TO ABATE:** The Village Police Chief or the Zoning Enforcing Officer is hereby authorized and empowered to notify the person in control of any private property, whether as owner, lessee, tenant, occupant, or otherwise to remove to an enclosed area on the property or otherwise remove from the property, any garbage or debris which are stored in violation of Section 8-8-3 of this Chapter.

Said notice shall allow said person seven (7) days to remove said property; and in the event same is not so removed, the provisions of Section 8-8-6 of this Chapter shall apply. Such notice may be given by any of the following methods.

- (A) Certified or Registered Mail addressed to the person occupying the premises in question and to the owner, if different than the occupant.
- (B) Personal delivery to the occupant and personal delivery to the owner, if different than the occupant.
- (C) Posting of the notice on the premises. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03; amd. Ord. 04-10, 6-7-04, amd. Ord. 06-12, 6-5-06)

8-8-5: **PENALTY FOR FAILURE TO ABATE SUCH NUISANCE:** If said person allows a nuisance to exist as defined in this Chapter and fails to abate said nuisance within the period allowed by Section 8-8-4 of this Chapter, then, upon conviction thereof, said person shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which said nuisance is permitted to exist. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 99-37, 12-6-99; amd. Ord. 03-05, 7-7-03)

8-8-6: **ABATEMENT BY VILLAGE:** In addition to the penalty provided for in Section 8-8-5 of this Chapter, whenever any person fails to abate said nuisance within the period allowed by Section 8-8-4 of this Chapter, then the Village may abate the nuisance and file a lien as provided in this Chapter. (Ord. 80-5, 6-2-80; amd. Ord. 96-40, 4-7-97; amd. Ord. 03-05, 7-7-03)

8-8-7: **ABATEMENT; LIEN:** If the Village has abated the nuisance, the costs thereof shall be recoverable from the owner and the Village may place a lien on the land until payment is made.

Within sixty (60) days after the cost and expenses incurred by the Village or the party performing the service by authority of the Village, in his or its name, may file a notice of lien in the office of the Recorder of Deeds of Tazewell County, Illinois.

The notice shall consist of a sworn statement setting out:

- (A) A description of the real estate sufficient for identification thereof,
- (B) The amount of money representing the cost and expense incurred or payable for the service, and
- (C) The date or dates when such cost and expense was incurred by the Village. (amd. Ord. 03-05, 7-7-03)

8-8-8:       **PAYMENT AND RELEASE:** Upon payment of the cost and expense by the owner or the persons interested in such property after notice of lien has been filed, the lien shall be released by the Village or person in whose name the lien has been filed and the release may be filed of record as in the case of filing notice of lien; provided, however, no lien shall be released until the total cost and expense including the actual costs, filing fees, and other costs of administration and interest are satisfied by payment in full. (amd. Ord. 03-05, 7-7-03)

8-8-9:       **DILAPIDATED STRUCTURES:** The Village may elect to proceed with the abatement procedure for a dilapidated structure or, in the alternative, may elect to proceed with an ordinance violation. Any person owning property upon which there is a dilapidated structure, shall be subject to a minimum fine of fifty dollars (\$50.00) and a maximum fine of seven hundred fifty dollars (\$750.00), and each and every day a violation exists shall be deemed a separate offense. (amd Ord. 07-59, 2-18-08)





## CHAPTER 10

**DISCHARGING OF SUMP PUMPS AND PERIMETER TILES  
INTO SANITARY SEWERS**

## SECTION:

- 8-10-1: Purpose
- 8-10-2: Inspection Authorization
- 8-10-3: Testing Procedures
- 8-10-4: Court Action
- 8-10-5: Procedure To Secure Authorization
- 8-10-6: Notification Of Action Required
- 8-10-7: No Extensions
- 8-10-8: Grant Incentive
- 8-10-8.1: Grant Incentive - Repairs Only
- 8-10-9: Ineligibility For Grant
- 8-10-10: Monetary Penalty For Violation
- 8-10-11: Service Disconnection
- 8-10-12: Judicial Enforcement
- 8-10-13: Election Of Remedies
- 8-10-14: Owner Responsibility For Tenant
- 8-10-15: Effective Date For Grant Eligibility
- 8-10-16: Severability Clause

8-10-1: **PURPOSE:** This ordinance is adopted to set forth the procedures, including incentives, that will be used to enforce the provisions of Title 8, Chapter 3, Section 5.1 (C) of the Morton Municipal Code, which provides as follows: Sump pumps and footing perimeter tiles are expressly prohibited from discharging into the sanitary sewer.

8-10-2: **INSPECTION AUTHORIZATION:** The Superintendent of Public Works, or one or more of his designees, are authorized and directed to cause an inspection of the plumbing fixtures and facilities, downspouts, sump pumps, building drains, building sewers, yard drains, area drains, and building or lot storm water, surface water, or ground water drainage devices located on or used by premises located in the Village of Morton, in an effort to locate conditions which would permit storm water, surface water, or ground water to enter directly or indirectly the public sanitary sewer. In certain cases, an inspection may require more than one entry to the premises.

The SPW shall develop a plan to inspect premises in those areas that have experienced surcharging and those areas that may contribute to surcharging and shall implement said plan as soon as reasonably practical.

8-10-3: **TESTING PROCEDURES:** The SPW, or one or more of his designees, are authorized and directed to cause "smoke tests", "dye tests", "TV monitor tests", or any combination of such tests to be conducted within any "area subject to surcharging and any area that may contribute to surcharging" in order to locate conditions which would permit storm water, surface water, or ground water to enter a building sanitary drain, building sanitary sewer, or public sanitary sewer, or if the exact location of such conditions cannot be determined, to at least determine if, during such tests, water or dye placed in or on any such premises or in any storm water collection or diversion device located on such premises, reaches the public sanitary sewer or if smoke pumped into the public sanitary sewer emerges from locations on private property.

The aforesaid testing shall be paid for by the Village of Morton, provided the owner and occupant of the premises have provided access for and consented to the inspection of the premises as provided in Section 5 of this Chapter. Notwithstanding any other provisions of this ordinance, in those cases where an owner resides in the premises, and there is more than one owner, the consent of one owner only is sufficient, and the consent of any other occupant is not needed.

Each owner and occupant of a premises shall provide access in the premises to allow the inspection. Access for the purposes of this ordinance is providing a cleanout as defined in Sections 890.740 and 890.750 in 77 Illinois Administrative Code Chapter I, Subchapter r (1986) as now in effect or as may from time to time be amended. The owner and/or occupant must also remove any obstructions that prevent access to a cleanout.

If upon first inspection the Village of Morton determines that the owner and/or occupant does not have a proper cleanout (or it is obstructed), then the owner and/or occupant shall within thirty (30) days thereafter install a proper cleanout (or remove the obstruction) and allow the Village of Morton to accomplish the inspection.

In the event the owner and occupant of a premises do not consent to the inspection as provided in Section 5 of this Chapter, or provide access as defined in this Section, then the owner shall reimburse the Village of Morton for the cost of testing. The cost of said testing is determined to be five hundred dollars (\$500.00) and said amount shall be paid to the Village of Morton within thirty (30) days of the date the Village performed the testing. The payment of this cost shall not relieve the owner of a premises of the responsibility of otherwise complying with all of the terms of this ordinance.

**8-10-4: COURT ACTION:** If the Village of Morton is unable to secure the consent of the owner or occupant of the premises to conduct the inspection described in Section 2 of this Chapter (including the providing of proper access) then the corporation counsel of the Village of Morton is hereby authorized and directed to seek judicial authorization for the Village to enter the premises and conduct the inspection. In such action, corporation counsel may also seek reimbursement for the cost of testing.

**8-10-5: PROCEDURE TO SECURE AUTHORIZATION:** The SPW, or one or more of his designees, shall notify the owner and occupant of a premises that the Village of Morton desires to inspect the premises for the purposes set forth in this ordinance. If an owner resides in the premises, then notice need be given only to one owner and need not be given to any other occupant.

Notification shall be by personal contact or by written notice sent by first class mail. In those cases where an owner does not reside in the premises, the owner shall be notified by first class mail. If there is more than one owner of a premises, notice may be given to one owner only, and it shall be deemed to be constructive notice to all other owners.

Refusal to allow inspection shall be deemed to have occurred in the following events:

- (A) A verbal statement denying access for inspection made by an owner or occupant of the premises (in those cases where an owner does not reside in the premises) to the Village employee requesting such inspection;
- (B) In those cases where the Village has been unable to contact an owner and the occupant (in those cases where an owner does not reside in the premises) in person, then if there is no response to the written notice by the owner and occupant (in those cases where an owner does not reside in the premises) within thirty (30) days of the date the Village has mailed the written notice, allowing the Village of Morton to make the inspection within said thirty (30) day period, refusal shall be deemed to have occurred. Refusal means that the owner and occupant (in those cases where an owner does not reside in the premises) have not permitted inspection within said thirty (30) day period.

8-10-6: **NOTIFICATION OF ACTION REQUIRED:** After the Village has inspected the premises, either by voluntary consent or pursuant to authorization received by court, the Village shall notify the owner by written notice sent by first class mail if there is any violation of Title 8, Chapter 3, Section 5.1 (C) of the Morton Municipal Code.

The owner shall have the following periods to correct any violation:

- (A) If a sump pump is hooked into the sanitary sewer, it shall be unhooked within ten (10) days of such notice.
- (B) If a perimeter tile (or more than one) is hooked into the sanitary sewer, then all of such tiles shall be disconnected within one (1) year of the date of such notice. If the disconnect date falls in the months of March, April, or May, the effective date shall be May 31 of the same year. (amd. Ord. 07-65, 4-21-08)

8-10-7: **NO EXTENSIONS:** The time limits set forth in Section 8-10-6 of this Chapter are deemed to be critical to the procedures set forth herein, and to the orderly elimination of the problems cited herein. Therefore, no extensions to the time limits will be allowed, and failure to comply with same shall cause an owner to lose the grant referred to in Section 8 of this Chapter, and to be subject to the penalties and other actions set forth in Sections 10, 11, and 12 of this Chapter.

8-10-8: **GRANT INCENTIVE:** The owner of a premises shall be eligible to receive a grant of the lesser of five hundred dollars (\$500.00) or the reasonable costs of unhooking the perimeter tile from the sanitary sewer, if all of the following conditions are met:

- (A) An owner and the occupant (in those cases where an owner does not reside in the premises) have provided access as defined in Section 3 of this Chapter.
- (B) An owner and the occupant (in those cases where an owner does not reside in the premises) have voluntarily consented to and allowed an inspection of the premises within the time frame set forth in Section 5 of this Chapter.
- (C) The owner has disconnected the perimeter tile within the time limits prescribed in Section 6 of this Chapter. (There is no grant incentive for disconnecting a sump pump.)

With respect to the requirement of disconnecting perimeter tiles, all such work shall be done in accordance with all other ordinances of the Village of Morton. The owner and occupant (in those cases where an owner does not reside in the premises) shall allow the Village of Morton to inspect all work to ensure that it has been done in conformity with all ordinances.

8-10-8.1: **GRANT INCENTIVE - REPAIRS ONLY:** The owner shall also be eligible for a grant of the lesser of five hundred dollars (\$500.00) or the costs of repairing a sewer lateral provided the following conditions have been met:

- (A) The owner and occupant (in those cases where an owner does not reside in the premises) have complied with all provisions of Ordinance No. 93-26.
- (B) The problem with the sewer lateral was discovered pursuant to one of the testing procedures set forth in Ordinance No. 93-26.
- (C) The owner repairs the sewer lateral in a manner satisfactory to the Village of Morton with the repair to be accomplished within one (1) year of the date of the test.
- (D) The owner shall provide satisfactory proof to the Village of Morton of the costs of the repair.

- (E) With respect to those owners who have repaired a sewer lateral prior to May 15, 2000, and otherwise meet all criteria of this section, they shall also be eligible for the grant.

The grant shall be paid only to the owner of the property at the time of the repair. The owner shall provide satisfactory proof to the Village within ninety (90) days of notification of same by the Village of their eligibility.

- 8-10-9: **INELIGIBILITY FOR GRANT:** An owner shall be ineligible to receive a grant if he or she or the occupant (in those cases where an owner does not reside in the premises) have done any of the following:

- (A) Failed to provide access or remove any obstruction to access as defined in Section 3 of this Chapter.
- (B) Failed to consent and allow inspection of the premises within the time period set forth in Section 5 of this Chapter. Failure to allow inspection includes withholding of consent by an occupant of the premises in those cases where an owner does not reside in the premises.
- (C) Failed to complete all corrective action within the time period set forth in Section 6 of this Chapter.
- (D) Failed to comply with any other provisions of this ordinance.

- 8-10-10: **MONETARY PENALTY FOR VIOLATION:** Any person who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Ordinance shall continue.

- 8-10-11: **SERVICE DISCONNECTION:** In the event an owner and an occupant (in those cases where an owner does not reside in the premises) refuse to agree to the inspection of the premises, or otherwise fail to comply with any of the provisions of this Ordinance, then the Village of Morton shall have the right to terminate the sewer service to the premises. In the event the Village elects to terminate the sewer service, the procedures set forth in Title 8, Chapter 3, Section 12 (C), (D), and (E) of this Code shall apply.

- 8-10-12: **JUDICIAL ENFORCEMENT:** In addition to any other remedies the Village of Morton has, it may elect to obtain an order from a court of competent jurisdiction requiring an owner to comply with the provisions of this ordinance.

- 8-10-13: **ELECTION OF REMEDIES:** Any of the provisions of Sections 10, 11, and 12 of this Chapter may be used by the Village of Morton, and they are not mutually exclusive.

- 8-10-14: **OWNER RESPONSIBILITY FOR TENANT:** In certain cases the occupant of a premises will not be the owner of the premises. Notice of actions required by this ordinance will be given to the owner of the premises. It shall be the responsibility of the owner to secure the consent and cooperation of all occupants for all procedures required by this ordinance, and if the owner does not or is unable to secure for any reason whatsoever the consent and cooperation of all occupants of a premises as to any procedure, then the owner shall be subject to all remedies provided for in this ordinance, and shall be responsible for the payment of all testing costs.

Owner is used in the singular in this ordinance. Where there is more than one owner of a premises, notice need be given to only one owner, and consent may be obtained from one owner only. Occupant is used in the singular in this ordinance. Notice or consent need be given to or obtained from only one occupant in those cases where an owner does not reside in the premises. (This is in addition to the notice and consent required by an owner.)

8-10-15: **EFFECTIVE DATE FOR GRANT ELIGIBILITY:** Any owner who has previously disconnected perimeter tile from the sanitary sewer after May 3, 1993, shall be eligible for the grant provided herein, subject to the following conditions:

- (A) The owner complied with all ordinances of the Village of Morton with respect to the work performed.
- (B) The owner had the Village of Morton inspect the work after it was completed.

8-10-16: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, 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 ordinance or any part thereof, it is hereby declared to be the legislative intent of the Board of Trustees that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.



## CHAPTER 11

**UNDERGROUND UTILITY SERVICE**

## SECTION:

- 8-11-1: No Poles
- 8-11-2: Responsibility Of Property Owners
- 8-11-3: Utilities To Be Installed Underground
- 8-11-4: Plowing Prohibited

8-11-1: **NO POLES:** In all areas of the Village where underground utility distribution lines are installed, there shall be no poles for overhead utilities. (amd. Ord. 00-28, 9-18-00; amd. Ord. 10-16, 9-7-10)

8-11-2: **RESPONSIBILITY OF PROPERTY OWNERS:** As a matter of public policy within the Village and within the area contiguous to the Village subject to its maps, plats, and subdivision ordinances, the property owners shall be responsible for and shall provide for the necessary and proper installation and maintenance of the required Meter Base Risers, the required service entrance wiring to be served by each underground distribution lines, the cost of installing the underground secondary lines, on their property, not furnished without charge by AmerenCILCO, and restoration of their lawns resulting from the trenching necessary for the secondary line installations.

8-11-3: **UTILITIES TO BE INSTALLED UNDERGROUND:** All utilities shall be installed underground. Notwithstanding the foregoing, in the event it is impractical to install underground service, and the Superintendent of Public Works makes a recommendation to the President and Board of Trustees setting forth the reasons for such impracticality, then the Board of Trustees may approve such impracticality by a majority vote. (Ord. 561, 3-20-72; Ord. 82-3, 6-7-82; amd. Ord. 00-28, 9-18-00; amd. Ord. 10-07, 6-21-10)

8-11-4: **PLOWING PROHIBITED:** Underground utilities shall be installed by trenching or boring. Plowing of utility cables, pipes, or services is prohibited in the Village of Morton right of way. (Ord. 00-28, 9-18-00)





## CHAPTER 12

## UTILITY EQUIPMENT

## SECTION:

- 8-12-1: Definition
- 8-12-2: Residential Districts
- 8-12-3: Non-Residential Districts
- 8-12-4: Building Permit
- 8-12-5: Screening
- 8-12-6: Applicability Of Other Ordinances

8-12-1: **DEFINITION:** Overhead utility facilities is utility equipment that is excluded from this Ordinance. All other utility equipment shall be subject to the provisions of this Ordinance. (Ord. 99-50, 3-20-00)

8-12-2: **RESIDENTIAL DISTRICTS:**

(A) If the foot print of the utility equipment is greater than thirty two (32) square feet or the equipment is more than five feet (5') in height and it is to be placed in an existing residential district, then the front setback requirements for the residential district shall apply. Land rights from the owner of the property shall be obtained before any installation.

(B) If the utility equipment is smaller than thirty two (32) square feet and less than five feet (5') in height, it may be located in the utility easement area. (Ord. 99-50, 3-20-00)

8-12-3: **NON-RESIDENTIAL DISTRICTS:** If the utility equipment is to be located in a district zoned other than an existing residential district, it may be located in the utility easement area notwithstanding its size or height. (Ord. 99-50, 3-20-00)

8-12-4: **BUILDING PERMIT:** All utility equipment with a foot print greater than thirty two (32) square feet or greater in height than five feet (5') will require a building permit. The building permit fee for utility equipment shall be fifty dollars (\$50.00). (Ord. 99-50, 3-20-00)

8-12-5: **SCREENING:** All utility equipment with a foot print greater than thirty two (32) square feet or greater in height than five feet (5') shall require screening (landscaping or otherwise) in a form to be approved by the Zoning Department. Utility equipment with a foot print both less than thirty two (32) square feet and less than five feet (5') in height shall not require screening. (Ord. 99-50, 3-20-00)

8-12-6: **APPLICABILITY OF OTHER ORDINANCES:** All other zoning Ordinances shall apply to utility equipment except where otherwise expressly provided for in this Ordinance. (Ord. 99-50, 3-20-00)



## CHAPTER 13

**BASIC ANNEXATION FEES AND DEVELOPMENT FEES**

## SECTION:

- 8-13-1: Purpose  
 8-13-2: Fee Structure  
 8-13-3: Exemption

8-13-1: **PURPOSE:** The fee structure set forth in 8-13-2 shall apply to property annexed before July 1, 2012, unless the annexation agreement provided otherwise. Section 8-13-4 applies to property annexed on or after July 1, 2012, unless the annexation agreement provides otherwise.

8-13-2: **FEE STRUCTURE:** All property annexed, except as provided in 8-13-3, pursuant to the provisions in the Illinois Municipal Code shall have imposed on it a basic annexation fee per acre, according to the following schedule:

- (A) Effective May 1, 2009 through April 30, 2010: Three thousand dollars (\$3,000.00)
- (B) Effective May 1, 2010 through April 30, 2011: Three thousand ninety dollars (\$3,090.00)
- (C) Effective May 1, 2011 and after: Three thousand one hundred eighty dollars (\$3,180.00)
- (D) Effective May 1, 2012 through April 30, 2013: Three thousand two hundred seventy dollars (\$3,270.00).
- (E) Each May 1 thereafter the fee shall increase by three percent (3%) from the preceding year.

8-13-3: **EXEMPTION:** Property located within three hundred fifty feet (350') of the Commonwealth Edison Company electric transmission line easement shall not be subject to annexation fees.

8-13-4: **DEVELOPMENT FEES:** For all property annexed on or after July 1, 2012, there shall not be an annexation fee but there shall be a development fee as follows:

- (A) Property zoned for residential use: One thousand one hundred dollars (\$1,100.00) per dwelling unit.
- (B) Property zoned for business or industrial use: Three thousand two hundred seventy dollars (\$3,270.00) per acre.
- (C) Each July 1 thereafter, commencing with the year 2013, the above fees shall be increased by three percent (3%) from the preceding year.

(Ord. 08-38, 3-2-09; amd. Ord. 09-26, 10-5-09; amd. Ord. 12-03, 6-18-12)



## CHAPTER 14

**DEFERRED ANNEXATION FEES**

## SECTION:

- 8-14-1: History  
 8-14-2: Purpose  
 8-14-3: Rate

8-14-1: **HISTORY:** Various property has heretofore been annexed to the Village pursuant to pre-annexation agreements. In some agreements, a portion of the annexation fee was deferred until the property was developed. The fee was fixed in the agreement at the higher of the rate paid when adjoining property was annexed or the rate in effect when the property was developed.

Under the Illinois Municipal Code, the duration of an annexation agreement is limited, and therefore, the terms of an agreement might expire before the property is developed. (Ord. 93-1, 5-17-93)

8-14-2: **PURPOSE:** In order to provide for certainty and uniformity, it is necessary to provide for a charge for property that is not developed before an annexation agreement has expired. (Ord. 93-1, 5-17-93)

8-14-3: **RATE:** The rate due by the property owner shall be the higher of the rate specified in the pre-annexation agreement, or the rate charged for the most recent annexation of property by the Village. The rate shall be a per acre charge, and the number of acres shall be as specified in the applicable annexation agreement. The amount determined to be due shall be paid at the time specified in the annexation agreement. (Ord. 93-1, 5-17-93)



## CHAPTER 15

**UTILITY BILLING AND COLLECTION POLICIES  
AND PROCEDURES**

## SECTION:

- 8-15-1: Definition Of Utility
- 8-15-2: Liability For Payment Of All Charges
- 8-15-3: Deposits For Utility Service By Tenants
- 8-15-4: Due Date Of Bills For Discount; Loss Of Discount
- 8-15-5: Credits and Rebates
- 8-15-6: Dishonor Of Check
- 8-15-7: Level Payment Plan
- 8-15-8: Delinquent Bills
- 8-15-9: Reserved for Future Use
- 8-15-10: Reconnections
- 8-15-11: Dispute Resolution Procedure
- 8-15-12: Collection Actions
- 8-15-13: Liens
- 8-15-14: Severability

8-15-1: **DEFINITION OF UTILITY:** As used in this Chapter, "utility" refers to the Village's gas system, storm water system, wastewater system, and water system, as well as any other utility which may hereafter be acquired or developed by the Village of Morton. (amd. Ord. 05-37, 12-19-05)

8-15-2: **LIABILITY FOR PAYMENT OF ALL CHARGES:** The services of each Village utility system shall be deemed to be furnished to the owner of the premises and to the occupant thereof and to the user of the services, and the owner of the premises and the occupant thereof and the user of the services shall be jointly and severally liable for the payment of all charges for such services. Such services are furnished to the premises by the Village only upon the condition that the owner of the premises and the occupant thereof and the user of the services are jointly and severally liable therefor to the Village.

8-15-3: **DEPOSITS FOR UTILITY SERVICE BY TENANTS:**

(A) Before gas service is provided to any tenant occupying rental property and who has requested gas service, said tenant shall deposit the sum of one hundred dollars (\$100.00), which shall be held by the Village until the service is permanently discontinued to such tenant. Said deposit shall be applied first to any unpaid gas service charge, and any balance remaining, without interest, remitted to the party paying the same.

(B) Before water service is provided to any tenant occupying rental property and who has requested water service, said tenant shall deposit the sum of fifty dollars (\$50.00), which shall be held by the Village until the service is permanently discontinued to such tenant. Said deposit shall be applied first to any unpaid water service charge, and any balance remaining, without interest, remitted to the party paying the same.

- (C) In the event that payment is insufficient to pay the total of all portions of the utility bill, the payment will be applied to the storm water service charges first. After the storm water service charges are satisfied, the remaining portion of the payment will be applied to the wastewater service charges. After the storm water, wastewater, and gas service charges are satisfied, the remaining portion of the payment will be applied to the water service charges. (Ord. 05-37, 12-19-05)

**8-15-4: DUE DATE OF BILLS FOR DISCOUNT; LOSS OF DISCOUNT:**

- (A) Bills for utility service shall be rendered on the eighteenth day of each month at a rate of ninety-five percent (95%) of the actual amount of utility service rendered and said amount shall be due in full on the twenty-seventh day of the month. If the twenty-seventh day of the month falls on a Saturday, Sunday, or holiday observed by the Village, then said amount shall be due in full on the next following business day.
- (B) If payment in full is not received by the Village at its utility office or in the utility drop boxes at or before five o'clock (5:00) P.M. on the aforesaid due date, then five percent (5%) of the actual amount of utility service rendered shall be added to the next month's bill and shall be due and payable in full on the twenty-seventh day of the month next following the due date of the bill for such utility service.
- (C) Failure to receive a utility bill shall not excuse a customer from his or her obligation to pay within the time period specified. (amd. Ord. 19-09, 8-6-18)

**8-15-5: CREDIT AND REBATES:** Whenever the Village or a customer discovers that there has been an error in billing and an overpayment has been made by the customer, the Village shall credit the amount overpaid by the customer against the next following utility bill. The Village shall issue a cash rebate only if the utility service has been discontinued at the time of the discovery of such error. No credit or rebate shall be issued by the Village for errors occurring over six (6) months prior to the date of the discovery of such error.

**8-15-6: DISHONOR OF CHECK:**

- (A) Whenever a check payable to the Village is tendered to the Village for payment of utility charges and is 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, then the discount for early payment shall be forfeited or lost and a processing charge of twenty-five dollars (\$25.00) shall be imposed by the Village and added to the account and thereon be due and payable.
- (B) Utility customers 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 three (3) times in a period of twelve (12) consecutive months, shall be required to remit payment of their utility bills by cash, certified check, or money order until an acceptable payment history has been established. For the purposes of this Section, an "acceptable payment history" is defined as having no delinquent utility bills in the previous twelve (12) consecutive months.

**8-15-7: LEVEL PAYMENT PLAN:**

- (A) Residential utility customers may request to be on the level payment plan provided the following criteria have been met:
1. The property where service is provided has a utility account history of at least twelve (12) months;



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 twenty-seventh 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; amd. Ord. 19-09, 8-6-18)

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 twenty-seventh 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 Village Administrator 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 Village Administrator 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; amd. Ord. 19-09, 8-6-18)

(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 Village Administrator, 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 Village Administrator 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.
- (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 Village Administrator has written notice of this fact, notice shall be mailed to the owner of the premises, if an address be known to the Village Administrator, whenever such utility bill remains unpaid until the twenty-seventh day of the month next following the due date of the utility bill. Said notice shall be by first class mail.
- (E) The failure of the Village Administrator 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.
- (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.  
(Ord. 04-53, 3-7-05, amd. Ord. 19-09, 8-6-18)

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)

## CHAPTER 16

**DEDICATION OF LAND FOR BIKE PATH**

## SECTION:

- 8-16-1: Dedication Required - Designated Path
- 8-16-2: Pre-Annexation Agreements
- 8-16-3: Designation Required - Extension of Designated Bike Path
- 8-16-4: Installation of Bike Path
- 8-16-5: Setbacks
- 8-16-6: Village Contribution

8-16-1: **DEDICATION REQUIRED - DESIGNATED PATH:** The developers of any property shall dedicate to the Village of Morton, at no cost, a minimum of 17 feet and such additional amount needed to provide drainage and earthwork as determined by the Superintendent of Public Works. The dedication shall be for the distance that the designated bike path is adjacent to the property to be developed. (Ord. 11-12, 7-18-11)

8-16-2: **PRE-ANNEXATION AGREEMENTS:** If the property is not in the corporate limits of the Village, but is to be annexed as a part of the development, it shall be a condition in any pre-annexation agreement that an appropriate amount of land be dedicated for a bike path. (Ord. 11-12, 7-18-11)

8-16-3: **DESIGNATION REQUIRED - EXTENSION OF DESIGNATED BIKE PATH:** If the property to be developed is not adjacent to a designated bike path, the Village may, in its discretion require dedication of land in the same width as provided in Section 1 along one boundary of the property for the purpose of providing an extension to a designated bike path. (Ord. 11-12, 7-18-11)

8-16-4: **INSTALLATION OF BIKE PATH:** A bike path shall be installed no later than the date by which all sidewalks must be installed in the subdivision. (Ord. 11-12, 7-18-11)

8-16-5: **SETBACKS:** For all purposes of determining setbacks, whether front yard or side yard, the setback shall be determined from where the property line would have been if a sidewalk only was installed. (Ord. 11-12, 7-18-11)

8-16-6: **VILLAGE CONTRIBUTION:** The Village will pay to the developer the portion of the cost of the difference between the sidewalk and the bike path at a per foot rate cost to the developer by his/her contractor of the square foot cost of the last bid concrete cost to the Village, whichever is less. (Ord. 11-12, 7-18-11)



## CHAPTER 17

**MEMORIAL PLAZA USE**

## SECTION:

- 8-17-1: Applicability
- 8-17-2: Closed Areas
- 8-17-3: Permit
- 8-17-4: Liability of Permittee
- 8-17-5: Certificate of Insurance
- 8-17-6: Restoration After Permitted Event
- 8-17-7: Additional Permit Fee
- 8-17-8: Prohibited Activities
- 8-17-9: Revocation of Permit

8-17-1: **APPLICABILITY:** The provisions of this Chapter shall apply to use of Memorial Plaza located at 308 S. Main Street, Morton, Illinois.

8-17-2: **CLOSED AREAS:** Any section, area or part of the Memorial Plaza may be declared closed to the public by the Chief of Police or by the Superintendent of Public Works or their designee at any time and for any interval of time, either temporarily or at regular intervals and stated intervals (daily or otherwise) neither entirely or merely for certain uses as the Chief of Police or Superintendent of Public Works may find reasonably necessary.

8-17-3: **PERMIT:**

(A) No person shall conduct, operate, present or manage any of the following activities in Memorial Plaza unless a permit is obtained from the Village of Morton prior to the start of the activity:

1. Any parade, march, rally, speech or public meeting;
2. Any contest, show, exhibit, public entertainment, dramatic performance, play, act, motion picture, dramatic reading, storytelling, poetry reading, bazaar, amusement contraptions, sporting event, ceremony or other event at which more than twelve (12) persons may be reasonably expected to be in attendance.
3. Any use of the Memorial Plaza by a certain person or group or group of persons to the exclusion of others.

(B) Persons desiring to engage in any of the above activities may apply to the Village of Morton for a written permit under policies established by the Village Administrator or her designee, and subject to fees established.

(C) Any application for permit as required by this section must set forth the name, address, telephone number and driver's license number of an adult applicant responsible for the proposed activity or use; name, address and telephone number of the organization or organizations involved with the proposed activity or use, if any; the date, time, duration and requested location for the proposed activity or use; and the anticipated number of attendees.

- (D) Permits are not transferrable and required fees are not refundable. Permits must be applied for at least twenty-one (21) days in advance of the event. Minor changes in the permit may be made upon written permission of the Village Administrator for no additional fee, provided that the specific activity has not changed, the date or dates involved has not changed, the number of designated persons has not increased and a request for change is made at least seventy-two (72) hours prior to the event.

8-17-4: **LIABILITY OF PERMITTEE:** The person, persons, organization or organizations to whom a permit is issued shall be liable for and shall agree to indemnify the Village of Morton for any loss, damage or injury sustained by any person which is caused by the activity or use or any act, error or omission of the person, persons, organization or organizations or their agent or agents to whom such permit shall have been issued.

8-17-5: **CERTIFICATE OF INSURANCE:** As a condition for obtaining a permit, person, persons, organization or organizations to whom the permit is issued must provide a Certificate of Insurance for general liability insurance coverage with a company and in an amount acceptable to the Village of Morton naming the Village of Morton, its Board members, Officers, Agents, Employees and assigns as additional insureds. The Village Administrator, or her designee, at her full and absolute discretion may waive the requirements of this Section when in light of the facts and circumstances of the event for which a permit is requested the Village Administrator determines the requirements of this Section would pose an undue burden on the applicant or may require, in lieu of a certificate of insurance, a waiver of liability be executed by the applicant as a condition of the award of a permit. (amd. Ord. 17-11, 7-17-17)

8-17-6: **RESTORATION AFTER PERMITTED EVENT:** As a condition of the permit, the permittee shall be required at the conclusion of the permitted event to return and restore the Memorial Plaza to a like condition as Memorial Plaza was in prior to the commencement of the event. A deposit of two hundred fifty dollars (\$250.00) shall be paid by the permittee as a condition of the permit, which deposit shall be applied to reimburse the Village of Morton for any cleaning or maintenance necessary to restore Memorial Plaza as required in this Section. Any portion of the deposit which is not consumed by the cost of restoration shall be refunded to the permittee.

8-17-7: **ADDITIONAL PERMIT FEE:** Applications for a permit shall be reviewed by the Chief of Police or his designee. In the event the Chief of Police or his designee determines that the event requires a hiring of auxiliary police to be on duty before, during or after an event for purposes of public safety, an additional fee shall be assessed, which must be paid prior to the event as a condition of receiving the permit, which fee shall be reasonably calculated by the Chief of Police to reimburse the Village for the auxiliary police patrol necessary for the permitted event, which fee shall be non-refundable.

8-17-8: **PROHIBITED ACTIVITIES:** The following activities are prohibited at any time in Memorial Plaza:

1. Smoking or the use of smokeless tobacco products
2. Consumption, possession or sale of alcoholic beverages
3. Any use which is a violation of any Village Ordinance, State Statute or Federal Law
4. Possession of any firearm
5. Possession of any glass bottle
6. Removing or damaging any Memorial Plaza property or equipment
7. Use of skateboards, bicycles, or scooters within the Plaza property
8. Operation of any motor vehicle of any kind within the Memorial Plaza
9. Climbing on any fixtures or property at the Memorial Plaza other than playground equipment.
10. Open burning
11. Sales or solicitation

8-17-9: **REVOCAION OF PERMIT:** In the event of a violation of any provision of this Chapter or of any other provision of the Morton Municipal Code, State Statute or Federal Law by any permittee and the conduct of the permitted event or activity, the Chief of Police or his designee may revoke the permit issued pursuant to the provisions of this Chapter. (Ord. 17-02, 6-5-17)



## CHAPTER 18

**SMALL WIRELESS FACILITIES**

## SECTION:

- 8-18-1: Purpose and Scope
- 8-18-2: Definitions
- 8-18-3: Regulation of Small Wireless Facilities
- 8-18-4: Dispute Resolution
- 8-18-5: Indemnification
- 8-18-6: Insurance

8-18-1 **PURPOSE AND SCOPE:** The purpose of this Chapter is to establish regulations, standards and procedures for the siting and collocation of small wireless facilities on rights-of-way within the Village's jurisdiction, or outside the rights-of-way on property zoned by the Village exclusively for commercial or industrial use, in a manner that is consistent with the Act.

In the event that applicable federal or State laws or regulations conflict with the requirements of this Chapter, the wireless provider shall comply with the requirements of this Chapter to the maximum extent possible without violating federal or State laws or regulations.

8-18-2 **DEFINITIONS:** For the purposes of this Chapter, the following terms shall have the following meanings:

**ANTENNA:** Communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

**APPLICABLE CODES:** Uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes, including the National Electric Safety Code.

**APPLICANT:** Any person who submits an application and is a wireless provider.

**APPLICATION:** A request submitted by an applicant to the Village for a permit to collocate small wireless facilities, and a request that includes the installation of a new utility pole for such collocation, as well as any applicable fee for the review of such application.

**COLLOCATE OR COLLOCATION:** To install, mount, maintain, modify, operate, or replace wireless facilities on or adjacent to a wireless support structure or utility pole.

**COMMUNICATIONS SERVICE:** Cable service, as defined in 47 U.S.C. 522(6), as amended; information service, as defined in 47 U.S.C. 153(24), as amended; telecommunications service, as defined in 47 U.S.C. 153(53), as amended; mobile service, as defined in 47 U.S.C. 153(53), as amended; or wireless service other than mobile service.

**COMMUNICATIONS SERVICE PROVIDER:** A cable operator, as defined in 47 U.S.C. 522(5), as amended; a provider of information service, as defined in 47 U.S.C. 153(24), as amended; a telecommunications carrier, as defined in 47 U.S.C. 153(51), as amended; or a wireless provider.

**FCC:** The Federal Communications Commission of the United States.

<b>FEE:</b>	A one-time charge.
<b>HISTORIC DISTRICT OR HISTORIC LANDMARK:</b>	A building, property, or site, or group of buildings, properties, or sites that are either (i) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of the National Register, the individual who has been delegated the authority by the federal agency to list properties and determine their eligibility for the National Register, in accordance with Section VI.D.1.a.i through Section VI.D.1.a.v of the Nationwide Programmatic Agreement codified at 47 CFR Part 1, Appendix C; or (ii) designated as a locally landmarked building, property, site, or historic district by an Chapter adopted by the Village pursuant to a preservation program that meets the requirements of the Certified Local Government Program of the Illinois State Historic Preservation Office or where such certification of the preservation program by the Illinois State Historic Preservation Office is pending.
<b>LAW:</b>	A federal or State statute, common law, code, rule, regulation, order, or local Chapter or resolution.
<b>MICRO WIRELESS FACILITY:</b>	A small wireless facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.
<b>MUNICIPAL UTILITY POLE:</b>	A utility pole owned or operated by the Village in public rights-of-way.
<b>PERMIT:</b>	A written authorization required by the Village to perform an action or initiate, continue, or complete a project.
<b>PERSON:</b>	An individual, corporation, limited liability company, partnership, association, trust, or other entity or organization.
<b>PUBLIC SAFETY AGENCY:</b>	The functional division of the federal government, the State, a unit of local government, or a special purpose district located in whole or in part within this State, that provides or has authority to provide firefighting, police, ambulance, medical, or other emergency services to respond to and manage emergency incidents.
<b>RATE:</b>	A recurring charge.
<b>RIGHT-OF-WAY:</b>	The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or utility easement dedicated for compatible use. Right-of-way does not include Village-owned aerial lines.
<b>SMALL WIRELESS FACILITY:</b>	A wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than 6 cubic feet; and (ii) all other wireless equipment attached directly to a utility pole associated with the facility is cumulatively no more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, ground-based enclosures, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.
<b>UTILITY POLE:</b>	A pole or similar structure that is used in whole or in part by a communications service provider or for electric distribution, lighting, traffic control, or a similar function.

**WIRELESS FACILITY:** Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including: (i) equipment associated with wireless communications; and (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. Wireless facility includes small wireless facilities. Wireless facility does not include: (i) the structure or improvements on, under, or within which the equipment is collocated; or (ii) wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial, or fiber optic cable that is otherwise not immediately adjacent to or directly associated with an antenna.

**WIRELESS INFRASTRUCTURE PROVIDER:** Any person authorized to provide telecommunications service in the State that builds or installs wireless communication transmission equipment, wireless facilities, wireless support structures, or utility poles and that is not a wireless services provider but is acting as an agent or a contractor for a wireless services provider for the application submitted to the Village.

**WIRELESS PROVIDER:** A wireless infrastructure provider or a wireless services provider.

**WIRELESS SERVICES:** Any services provided to the general public, including a particular class of customers, and made available on a nondiscriminatory basis using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided using wireless facilities.

**WIRELESS SERVICES PROVIDER:** A person who provides wireless services.

**WIRELESS SUPPORT STRUCTURE:** A freestanding structure, such as a monopole; tower, either guyed or self-supporting; billboard; or other existing or proposed structure designed to support or capable of supporting wireless facilities. Wireless support structure does not include a utility pole.

### 8-18-3 **REGULATION OF SMALL WIRELESS FACILITIES:**

(A) **Permitted Use:** Small wireless facilities shall be classified as permitted uses and subject to administrative review, except as provided in paragraph (9) regarding Height Exceptions or Variances, but not subject to zoning review or approval if they are collocated (i) in rights-of-way in any zoning district, or (ii) outside rights-of-way in property zoned exclusively for commercial or industrial use.

(B) **Permit Required:** An applicant shall obtain one or more permits from the Village to collocate a small wireless facility. An application shall be received and processed, and permits issued shall be subject to the following conditions and requirements:

1. **Application Requirements:** A wireless provider shall provide the following information to the Village, together with the Village's Small Cell Facilities Permit Application, as a condition of any permit application to collocate small wireless facilities on a utility pole or wireless support structure:
  - (a) Site specific structural integrity and, for a municipal utility pole, make-ready analysis prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989;

- (b) The location where each proposed small wireless facility or utility pole would be installed and photographs of the location and its immediate surroundings depicting the utility poles or structures on which each proposed small wireless facility would be mounted or location where utility poles or structures would be installed. This should include a depiction of the completed facility;
- (c) Specifications and drawings prepared by a structural engineer, as that term is defined in Section 4 of the Structural Engineering Practice Act of 1989, for each proposed small wireless facility covered by the application as it is proposed to be installed;
- (d) The equipment type and model numbers for the antennas and all other wireless equipment associated with the small wireless facility;
- (e) A proposed schedule for the installation and completion of each small wireless facility covered by the application, if approved; and
- (f) Certification that the collocation complies with the Collocation Requirements and Conditions contained herein, to the best of the applicant's knowledge.
- (g) In the event that the proposed small wireless facility is to be attached to an existing pole owned by an entity other than the Village, the wireless provider shall provide legally competent evidence of the consent of the owner of such pole to the proposed collocation.

2. Application Process: The Village shall process applications as follows:

- (a) The first completed application shall have priority over applications received by different applicants for collocation on the same utility pole or wireless support structure.
- (b) An application to collocate a small wireless facility on an existing utility pole or wireless support structure, or replacement of an existing utility pole or wireless support structure shall be processed on a nondiscriminatory basis and shall be deemed approved if the Village fails to approve or deny the application within 90 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 75 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 90th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

- (c) An application to collocate a small wireless facility that includes the installation of a new utility pole shall be processed on a nondiscriminatory basis and deemed approved if the Village fails to approve or deny the application within 120 days after the submission of a completed application.

However, if an applicant intends to proceed with the permitted activity on a deemed approved basis, the applicant shall notify the Village in writing of its intention to invoke the deemed approved remedy no sooner than 105 days after the submission of a completed application.

The permit shall be deemed approved on the latter of the 120th day after submission of the complete application or the 10th day after the receipt of the deemed approved notice by the Village. The receipt of the deemed approved notice shall not preclude the Village's denial of the permit request within the time limits as provided under this Chapter.

- (d) The Village shall deny an application which does not meet the requirements of this Chapter.

If the Village determines that applicable codes, Chapters or regulations that concern public safety, or the Collocation Requirements and Conditions contained herein require that the utility pole or wireless support structure be replaced before the requested collocation, approval shall be conditioned on the replacement of the utility pole or wireless support structure at the cost of the provider.

The Village shall document the basis for a denial, including the specific code provisions or application conditions on which the denial is based, and send the documentation to the applicant on or before the day the Village denies an application.

The applicant may cure the deficiencies identified by the Village and resubmit the revised application once within 30 days after notice of denial is sent to the applicant without paying an additional application fee. The Village shall approve or deny the revised application within 30 days after the applicant resubmits the application or it is deemed approved. Failure to resubmit the revised application within 30 days of denial shall require the applicant to submit a new application with applicable fees, and recommencement of the Village's review period.

The applicant must notify the Village in writing of its intention to proceed with the permitted activity on a deemed approved basis, which may be submitted with the revised application.

Any review of a revised application shall be limited to the deficiencies cited in the denial. However, this revised application does not apply if the cure requires the review of a new location, new or different structure to be collocated upon, new antennas, or other wireless equipment associated with the small wireless facility.

- (e) Pole Attachment Agreement: Within 30 days after an approved permit to collocate a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a Master Pole Attachment Agreement, provided by the Village for the initial collocation on a municipal utility pole by the application. For subsequent approved permits to collocate on a small wireless facility on a municipal utility pole, the Village and the applicant shall enter into a License Supplement of the Master Pole Attachment Agreement.

3. **Completeness of Application:** Within 30 days after receiving an application, the Village shall determine whether the application is complete and notify the applicant. If an application is incomplete, the Village must specifically identify the missing information. An application shall be deemed complete if the Village fails to provide notification to the applicant within 30 days after all documents, information and fees specifically enumerated in the Village's permit application form are submitted by the applicant to the Village.

Processing deadlines are tolled from the time the Village sends the notice of incompleteness to the time the applicant provides the missing information.

4. **Tolling:** The time period for applications may be further tolled by:
  - (a) An express written agreement by both the applicant and the Village; or
  - (b) A local, State or federal disaster declaration or similar emergency that causes the delay.
5. **Consolidated Applications:** An applicant seeking to collocate small wireless facilities within the jurisdiction of the Village shall be allowed, at the applicant's discretion, to file a consolidated application and receive a single permit for the collocation of up to 25 small wireless facilities if the collocations each involve substantially the same type of small wireless facility and substantially the same type of structure.

If an application includes multiple small wireless facilities, the Village may remove small wireless facility collocations from the application and treat separately small wireless facility collocations for which incomplete information has been provided or that do not qualify for consolidated treatment or that are denied. The Village may issue separate permits for each collocation that is approved in a consolidated application.

6. **Duration of Permits:** The duration of a permit shall be for a period of not less than 5 years, and the permit shall be renewed for equivalent durations unless the Village makes a finding that the small wireless facilities or the new or modified utility pole do not comply with the applicable Village codes or any provision, condition or requirement contained in this Chapter.

If the Act is repealed as provided in Section 90 therein, renewals of permits shall be subject to the applicable Village code provisions or regulations in effect at the time of renewal.

7. **Means of Submitting Applications:** Applicants shall submit applications, supporting information and notices to the Village by personal delivery at the Village's designated place of business, by regular mail postmarked on the date due or by any other commonly used means, including electronic mail.

(C) **Collocation Requirements and Conditions:**

1. **Public Safety Space Reservation:** The Village may reserve space on municipal utility poles for future public safety uses, for the Village's electric utility uses, or both, but a reservation of space may not preclude the collocation of a small wireless facility unless the Village reasonably determines that the municipal utility pole cannot accommodate both uses.

2. **Installation and Maintenance:** The wireless provider shall install, maintain, repair and modify its small wireless facilities in safe condition and good repair and in compliance with the requirements and conditions of this Chapter. The wireless provider shall ensure that its employees, agents or contracts that perform work in connection with its small wireless facilities are adequately trained and skilled in accordance with all applicable industry and governmental standards and regulations.
3. **No interference with public safety communication frequencies:** The wireless provider's operation of the small wireless facilities shall not interfere with the frequencies used by a public safety agency for public safety communications.

A wireless provider shall install small wireless facilities of the type and frequency that will not cause unacceptable interference with a public safety agency's communications equipment.

Unacceptable interference will be determined by and measured in accordance with industry standards and the FCC's regulations addressing unacceptable interference to public safety spectrum or any other spectrum licensed by a public safety agency.

If a small wireless facility causes such interference, and the wireless provider has been given written notice of the interference by the public safety agency, the wireless provider, at its own expense, shall remedy the interference in a manner consistent with the abatement and resolution procedures for interference with public safety spectrum established by the FCC including 47 CFR 22.970 through 47 CFR 22.973 and 47 CFR 90.672 through 47 CFR 90.675.

The Village may terminate a permit for a small wireless facility based on such interference if the wireless provider is not in compliance with the Code of Federal Regulations cited in the previous paragraph. Failure to remedy the interference as required herein shall constitute a public nuisance.

4. The wireless provider shall not collocate small wireless facilities on Village utility poles that are part of an electric distribution or transmission system within the communication worker safety zone of the pole or the electric supply zone of the pole.

However, the antenna and support equipment of the small wireless facility may be located in the communications space on the Village utility pole and on the top of the pole, if not otherwise unavailable, if the wireless provider complies with applicable codes for work involving the top of the pole.

For purposes of this subparagraph, the terms "communications space", "communication worker safety zone", and "electric supply zone" have the meanings given to those terms in the National Electric Safety Code as published by the Institute of Electrical and Electronics Engineers.

5. The wireless provider shall comply with all applicable codes and local code provisions or regulations that concern public safety.
6. The wireless provider shall comply with written design standards that are generally applicable for decorative utility poles, or reasonable stealth, concealment and aesthetic requirements that are set forth in a Village ordinance, written policy adopted by the Village, a comprehensive plan or other written design plan that applies to other occupiers of the rights-of-way, including on a historic landmark or in a historic district.

7. **Alternate Placements:** Except as provided in this Collocation Requirements and Conditions Section, a wireless provider shall not be required to collocate small wireless facilities on any specific utility pole, or category of utility poles, or be required to collocate multiple antenna systems on a single utility pole. However, with respect to an application for the collocation of a small wireless facility associated with a new utility pole, the Village may propose that the small wireless facility be collocated on an existing utility pole or existing wireless support structure within 100 feet of the proposed collocation, which the applicant shall accept if it has the right to use the alternate structure on reasonable terms and conditions, and the alternate location and structure does not impose technical limits or additional material costs as determined by the applicant.

If the applicant refuses a collocation proposed by the Village, the applicant shall provide written certification describing the property rights, technical limits or material cost reasons the alternate location does not satisfy the criteria in this paragraph.

8. **Height Limitations:** The maximum height of a small wireless facility shall be no more than 10 feet above the utility pole or wireless support structure on which the small wireless facility is collocated.

New or replacement utility poles or wireless support structures on which small wireless facilities are collocated may not exceed the higher of:

- (a) 10 feet in height above the tallest existing utility pole, other than a utility pole supporting only wireless facilities, that is in place on the date the application is submitted to the Village, that is located within 300 feet of the new or replacement utility pole or wireless support structure and that is in the same right-of-way within the jurisdictional boundary of the Village, provided the Village may designate which intersecting right-of-way within 300 feet of the proposed utility pole or wireless support structures shall control the height limitation for such facility; or
- (b) 45 feet above ground level.

9. **Height Exceptions or Variances:** If an applicant proposes a height for a new or replacement pole in excess of the above height limitations on which the small wireless facility is proposed for collocation, the applicant shall apply for a [SPECIAL USE PERMIT, VARIANCE OR ADMINISTRATIVE WAIVER] in conformance with procedures, terms and conditions set forth in [INSERT APPROPRIATE SECTION(S) OF ZONING CHAPTER].
10. **Contractual Design Requirements:** The wireless provider shall comply with requirements that are imposed by a contract between the Village and a private property owner that concern design or construction standards applicable to utility poles and ground-mounted equipment located in the right-of-way.
11. **Ground-mounted Equipment Spacing:** The wireless provider shall comply with applicable spacing requirements in applicable codes and ordinances concerning the location of ground-mounted equipment located in the right-of-way if the requirements include a waiver, zoning or other process that addresses wireless provider requests for exception or variance and do not prohibit granting of such exceptions or variances.
12. **Undergrounding Regulations:** The wireless provider shall comply with local code provisions or regulations concerning undergrounding requirements that prohibit the installation of new or the modification of existing utility poles in a right-of-way without prior approval if the requirements include a waiver, zoning or other process that addresses requests to install such new utility poles or modify such existing utility poles and do not prohibit the replacement of utility poles.



13. Collocation Completion Deadline: Collocation for which a permit is granted shall be completed within 180 days after issuance of the permit, unless the Village and the wireless provider agree to extend this period or a delay is caused by make-ready work for a municipal utility pole or by the lack of commercial power or backhaul availability at the site, provided the wireless provider has made a timely request within 60 days after the issuance of the permit for commercial power or backhaul services, and the additional time to complete installation does not exceed 360 days after issuance of the permit. Otherwise, the permit shall be void unless the Village grants an extension in writing to the applicant.

(D) Application Fees: Application fees are imposed as follows:

1. Applicant shall pay an application fee of \$650 for an application to collocate a single small wireless facility on an existing utility pole or wireless support structure, and \$350 for each small wireless facility addressed in a consolidated application to collocate more than one small wireless facility on existing utility poles or wireless support structures.
2. Applicant shall pay an application fee of \$1,000 for each small wireless facility addressed in an application that includes the installation of a new utility pole for such collocation.
3. Notwithstanding any contrary provision of State law or local ordinance, applications pursuant to this Section shall be accompanied by the required application fee. Application fees shall be non-refundable.
4. The Village shall not require an application, approval or permit, or require any fees or other charges, from a communications service provider authorized to occupy the rights-of-way, for:
  - (a) routine maintenance;
  - (b) the replacement of wireless facilities with wireless facilities that are substantially similar, the same size, or smaller if the wireless provider notifies the Village at least 10 days prior to the planned replacement and includes equipment specifications for the replacement of equipment consistent with subsection d. under the Section titled Application Requirements; or
  - (c) the installation, placement, maintenance, operation or replacement of micro wireless facilities suspended on cables that are strung between existing utility poles in compliance with applicable safety codes.
5. Wireless providers shall secure a permit from the Village to work within rights-of-way for activities that affect traffic patterns or require lane closures.

(E) Exceptions to Applicability: Nothing in this Chapter authorizes a person to collocate small wireless facilities on:

1. property owned by a private party or property owned or controlled by the Village or another unit of local government that is not located within rights-of-way, or a privately-owned utility pole or wireless support structure without the consent of the property owner;
2. property owned, leased, or controlled by a park district, forest preserve district, or conservation district for public park, recreation or conservation purposes without the consent of the affected district, excluding the placement of facilities on rights-of-way located in an affected district that are under the jurisdiction and control of a different unit of local government as provided by the Illinois Highway Code; or

3. property owned by a rail carrier registered under Section 18c-7201 of the Illinois Vehicle Code, Metra Commuter Rail or any other public commuter rail service, or an electric utility as defined in Section 16-102 of the Public Utilities Act, without the consent of the rail carrier, public commuter rail service, or electric utility. The provisions of this Chapter do not apply to an electric or gas public utility or such utility's wireless facilities if the facilities are being used, developed and maintained consistent with the provisions of subsection (i) of Section 16-108.5 of the Public Utilities Act.

For the purposes of this subsection, "public utility" has the meaning given to that term in Section 3-105 of the Public Utilities Act. Nothing in this Chapter shall be construed to relieve any person from any requirement (a) to obtain a franchise or a State-issued authorization to offer cable service or video service or (b) to obtain any required permission to install, place, maintain, or operate communications facilities, other than small wireless facilities subject to this Chapter.

- (F) **Pre-Existing Agreements:** Existing agreements between the Village and wireless providers that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on Village utility poles, that are in effect on June 1, 2018, remain in effect for all small wireless facilities collocated on the Village's utility poles pursuant to applications submitted to the Village before June 1, 2018, subject to applicable termination provisions contained therein. Agreements entered into after June 1, 2018, shall comply with this Chapter.

A wireless provider that has an existing agreement with the Village on the effective date of the Act may accept the rates, fees and terms that the Village makes available under this Chapter for the collocation of small wireless facilities or the installation of new utility poles for the collocation of small wireless facilities that are the subject of an application submitted two or more years after the effective date of the Act by notifying the Village that it opts to accept such rates, fees and terms. The existing agreement remains in effect, subject to applicable termination provisions, for the small wireless facilities the wireless provider has collocated on the Village's utility poles pursuant to applications submitted to the Village before the wireless provider provides such notice and exercises its option under this paragraph.

- (G) **Annual Recurring Rate:** A wireless provider shall pay to the Village an annual recurring rate to collocate a small wireless facility on a Village utility pole located in a right-of-way that equals (i) \$200 per year or (ii) the actual, direct and reasonable costs related to the wireless provider's use of space on the Village utility pole.

If the Village has not billed the wireless provider actual and direct costs, the fee shall be \$200 payable on the first day after the first annual anniversary of the issuance of the permit or notice of intent to collocate, and on each annual anniversary date thereafter.

- (H) **Abandonment:** A small wireless facility that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of the facility shall remove the small wireless facility within 90 days after receipt of written notice from the Village notifying the wireless provider of the abandonment.

The notice shall be sent by certified or registered mail, return receipt requested, by the Village to the owner at the last known address of the wireless provider. If the small wireless facility is not removed within 90 days of such notice, the Village may remove or cause the removal of such facility pursuant to the terms of its pole attachment agreement for municipal utility poles or through whatever actions are provided for abatement of nuisances or by other law for removal and cost recovery.

A wireless provider shall provide written notice to the Village if it sells or transfers small wireless facilities within the jurisdiction of the Village. Such notice shall include the name and contact information of the new wireless provider.

8-18-4 **DISPUTE RESOLUTION:** The Circuit Court of Tazewell shall have exclusive jurisdiction to resolve all disputes arising under the Small Wireless Facilities Deployment Act. Pending resolution of a dispute concerning rates for collocation of small wireless facilities on municipal utility poles within the right-of-way, the Village shall allow the collocating person to collocate on its poles at annual rates of no more than \$200 per year per municipal utility pole, with rates to be determined upon final resolution of the dispute.

8-18-5 **INDEMNIFICATION:** A wireless provider shall indemnify and hold the Village harmless against any and all liability or loss from personal injury or property damage resulting from or arising out of, in whole or in part, the use or occupancy of the Village improvements or right-of-way associated with such improvements by the wireless provider or its employees, agents, or contractors arising out of the rights and privileges granted under this Chapter and the Act. A wireless provider has no obligation to indemnify or hold harmless against any liabilities and losses as may be due to or caused by the sole negligence of the Village or its employees or agents. A wireless provider shall further waive any claims that they may have against the Village with respect to consequential, incidental, or special damages, however caused, based on the theory of liability.

8-18-6 **INSURANCE:**

(A) The wireless provider shall carry, at the wireless provider's own cost and expense, the following insurance:

1. property insurance for its property's replacement cost against all risks;
2. workers' compensation insurance, as required by law;

OR

3. commercial general liability insurance with respect to its activities on the Village improvements or rights-of-way to afford minimum protection limits consistent with its requirements of other users of Village improvements or rights-of-way, including coverage for bodily injury and property damage.

The wireless provider shall include the Village as an additional insured on the commercial general liability policy and provide certification and documentation of inclusion of the Village in a commercial general liability policy prior to the collocation of any wireless facility.

A wireless provider may self-insure all or a portion of the insurance coverage and limit requirement required by the Village. A wireless provider that self-insures is not required, to the extent of the self-insurance, to comply with the requirement for the name of additional insureds under this Section. A wireless provider that elects to self-insure shall provide to the Village evidence sufficient to demonstrate its financial ability to self-insure the insurance coverage limits required by the Village.

(Ord. 19-07, 8-6-18)



**TITLE 9**  
**TRAFFIC**

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CHAPTER 1  
DEFINITIONS

## SECTION:

9-1-1: Definitions

9-1-1: **DEFINITIONS:** Whenever in this Title the following terms are used, they shall have the meaning respectively ascribed to them in this Section, except where the context otherwise requires and except where another definition set forth in another section of this Title and applicable to that section or a designated part thereof is applicable.

**ALLEY:** The term “alley” shall mean a public way within a block, generally giving access to the rear of lots or buildings and not used for general traffic circulation.<sup>1</sup>

**AUTHORIZED EMERGENCY VEHICLES:** The term “authorized emergency vehicles” shall mean emergency vehicles of Municipal departments or public service corporations as are designated or authorized by proper local authorities such as police vehicles, vehicles of the Fire Department, and ambulances.<sup>2</sup>

**BICYCLES:** The term “bicycles” shall mean every device propelled by human power upon which any person may ride, having two (2) tandem wheels either of which is more than sixteen inches (16”) in diameter.<sup>3</sup>

**BOAT TRAILER:** A vehicular structure without its own motive power designed to transport a boat or other watercraft for recreational use and which is licensed and registered for highway use. (amd. Ord. 17-06, 7-17-17)

**BUSINESS DISTRICT:** The term “business district” shall mean the territory of the Village contiguous to and including a highway when within any six hundred feet (600’) along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least three hundred feet (300’) of frontage on one (1) side or three hundred feet (300’) collectively on both sides of the highway.<sup>4</sup>

**CAMPING TRAILER:** The term “camping trailer” shall mean a trailer, not used commercially, constructed with partial side walls which fold for towing and unfold to provide temporary living quarters for recreational camping or travel use and of a size or weight not requiring an over-dimension permit when towed on a highway.<sup>5</sup>

**CONTROLLED ACCESS HIGHWAY:** The term “controlled access highway” shall mean every street, highway, or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in the manner as may be determined by the public authority having jurisdiction over such street, highway, or roadway.<sup>6</sup>

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<sup>1</sup> For Statute authority, See S.H.A. Ch. 95 1/2, Sec. 1-102.

<sup>2</sup> For Statute authority, See S.H.A. Ch. 95 1/2, Sec. 1-105.

<sup>3</sup> For Statute authority, See S.H.A. Ch. 95 1/2, Sec. 1-106.

<sup>4</sup> For Statute authority, See S.H.A. Ch. 95 1/2, Sec. 1-108.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-109.01.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-112.

- CROSSWALK:** The term “crosswalk” shall mean:
- (a) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the transversable roadway.
  - (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.<sup>1</sup>
- DRIVER:** The term “driver” shall mean every person who drives or is in actual physical control of a vehicle.<sup>2</sup>
- EXPLOSIVES:** The term “explosives” shall mean any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.<sup>3</sup>
- FLAMMABLE LIQUIDS:** The term “flammable liquids” shall mean any liquids which have a flash point of seventy degrees (70°) Fahrenheit or less, as determined by a tagliabue or equivalent closed cup test device.<sup>4</sup>
- HIGHWAY:** The term “highway” shall mean the entire width between the boundary lines of every highway publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.<sup>5</sup>
- HOUSE TRAILER:** The term “house trailer” shall mean:
- (a) A trailer or semitrailer equipped and used for living quarters or for human habitation (temporarily or permanently) rather than for the transportation of freight, goods, wares, and merchandise; or
  - (b) A house trailer or a semitrailer which is used commercially (temporarily or permanently), that is, for the advertising, sales, display, or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.<sup>6</sup>
- IMPROVED HIGHWAY:** The term “improved highway” shall be construed to include roadways of concrete, brick, asphalt, macadam, and crushed stone or gravel whenever said term is used in this Title.<sup>7</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-113.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-116.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-119.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-121.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-126.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-128.

<sup>7</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-131.



INTERSECTION: The term “intersection” shall mean and include:

- (a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different roadways joining at any other angle may come in conflict;
- (b) Where a highway includes two (2) roadways forty feet (40') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection;
- (c) The junction of an alley with a street or highway does not constitute an intersection.<sup>1</sup>

LANE CONTROL SIGNAL: The term “lane control signal” shall mean an official traffic control device consisting of an electrically controlled and illuminated signal of a square or rectangular design employing distinctive colors or symbols used to control the directions of vehicular flow on a particular lane to which the indication applies.<sup>2</sup>

LANED ROADWAY: The term “laned roadway” shall mean a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.<sup>3</sup>

MERGING TRAFFIC: The term “merging traffic” shall mean a maneuver executed by the drivers of vehicles on converging roadways to permit simultaneous or alternate entry into the junction thereof, wherein the driver of each vehicle involved is required to adjust his vehicular speed and lateral position so as to avoid a collision with any other vehicle.<sup>4</sup>

MOTOR HOME, MINI MOTOR HOME, VAN CAMPER: The terms “motor home”, “mini motor home”, or “van camper” shall mean a self-contained motor vehicle not used, or commercially, designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver’s seat.<sup>5</sup>

MOTORCYCLE: The term “motorcycle” shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor.<sup>6</sup>

MOTOR DRIVEN CYCLE: The term “motor driven cycle” shall mean every motorcycle and every motorscooter with less than one hundred fifty (150) cubic centimeter piston displacement, including motorized pedalcycles.<sup>7</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-132.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-135.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-136.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-143.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-145.01.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-147.

<sup>7</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-148

MOTOR VEHICLE:	The term “motor vehicle” shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. For the purpose hereof, motor vehicles as a class shall be divided into two (2) divisions:  (a) Those vehicles which are designed for the carrying of not more than ten (10) persons.  (b) Those motor vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those motor vehicles which are designed for pulling or carrying freight or cargo, and those motor vehicles of the first division remodeled for use and used as motor vehicles of the second division. <sup>1</sup>
OFFICIAL TRAFFIC CONTROL DEVICES:	The term “official traffic control devices” shall mean all signs, signals, markings, and devices which conform with the State Manual and not inconsistent with this Title placed or erected by authority of the Village or other official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. <sup>2</sup>
OWNER:	The term “owner” shall mean a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Title. <sup>3</sup> (Ord. 80-5, 6-2-80)
PARK or PARKING:	The term “park” or “parking” shall mean the standing of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in loading or unloading merchandise or passengers. <sup>4</sup> (Ord. 80-5, 6-2-80; amd. Ord. 85-11, 9-3-85)
PEDESTRIAN:	The term “pedestrian” shall mean any person afoot.
PHYSICALLY HANDICAPPED PERSON:	The term “physically handicapped person” shall mean every natural person who has permanently lost the use of a leg or both legs or an arm or both arms or any combination thereof or any person who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair. <sup>5</sup>
POLICE OFFICER:	The term “police officer” shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. <sup>6</sup>
POLE TRAILER:	The term “pole trailer” shall mean every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections. <sup>7</sup>
PRIVATE ROAD DRIVEWAY:	The term “private road” or “driveway” shall mean every way or or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. <sup>8</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-146.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-154.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-155.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-156.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-158.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-159.

<sup>7</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-162.

<sup>8</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-163.

RAILROAD-HIGHWAY GRADE CROSSING:	The term “railroad-highway grade crossing” shall mean an intersection of stationary rails owned or used in the operation of a railroad corporation across a highway or street. <sup>1</sup>
RAILROAD SIGNS SIGNAL:	The terms “railroad signs” or “signal” shall mean any sign, or signal, or device, other than official traffic control device, erected in accordance with the laws governing same and intended to give notice of the presence of railroad tracks or the approach of a railroad train. <sup>2</sup>
RAILROAD TRAIN:	The term “railroad train” shall mean a steam engine, electric, or other motor, with or without cars coupled thereto, operated upon rails, except street cars. <sup>3</sup>
RECREATIONAL VEHICLE:	The term “recreational vehicle” shall mean every camping trailer, motor home, mini motor home, travel trailer, truck camper, or van camper used primarily for recreational purposes and not used commercially. <sup>4</sup>
RESIDENCE DISTRICT:	The term “residence district” shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet (300’) or more is in the main improved with residences or residences and buildings in use for business.  For the purposes of establishing maximum speed limits, a residence district shall be at least a quarter of a mile long with residences or residences and buildings in use for businesses spaced no more than three hundred feet (300’) apart. <sup>5</sup>
REVERSIBLE LANE:	The term “reversible lane” shall mean a lane of two (2) or more laned roadway upon which traffic may be directed to move in either direction by means of lane control signals or other devices, in conjunction with official signs. <sup>6</sup>
RIGHT OF WAY:	The term “right of way” shall mean the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other. <sup>7</sup>
ROADWAY:	The term “roadway” shall mean that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways, the term “roadway” as used herein shall refer to any such roadway separately but not to all such roadways collectively. <sup>8</sup>
RURAL MAIL DELIVERY VEHICLE:	The term “rural mail delivery vehicle” shall mean every vehicle used to deliver U. S. mail on a rural mail delivery route. <sup>9</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-166.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-167.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-168.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-169.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-172.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-175.

<sup>7</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-177.

<sup>8</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-179.

<sup>9</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-180.

- SAFETY ZONE:** The term “safety zone” shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.<sup>1</sup>
- SCHOOL BUS:** The term “school bus” means:
- (a) Every motor vehicle, except as provided in paragraph (b), owned or operated by or for any of the following entities for the transportation of persons regularly enrolled in any such entity as students in grade twelve (12) or below in connection with any activity of the entity; a school operated by a religious institution or a public or private nursery, primary or secondary school.
  - (b) This definition does not include the following:
    - (1) A bus operated by a public utility, Municipal corporation, or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route;
    - (2) A motor vehicle of the first division.<sup>2</sup>
- SEMITRAILER:** The term “semitrailer” shall mean every vehicle without motive power designed for carrying persons or property and for being drawn by motor vehicle so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.<sup>3</sup>
- SIDEWALK:** The term “sidewalk” shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.<sup>4</sup>
- SPEED CHANGE LANE:** The term “speed change lane” shall mean an auxiliary lane, including tapered areas, primarily for the acceleration or deceleration of vehicles entering or leaving the through traffic lanes.<sup>5</sup> (Ord. 80-5, 6-2-80)
- STAND or STANDING:** The term “stand” or “standing” shall mean the halting of a vehicle, whether occupied or not, otherwise than when temporarily and actually engaged in receiving or discharging passengers.<sup>6</sup> (Ord. 80-5, 6-2-80; amd. Ord. 85-11, 9-3-85)
- STATE HIGHWAYS:** The term “State highways” whenever used in this Title shall be construed to include the State highways as defined in the “Illinois Highway Code” as the same may from time to time be amended.<sup>7</sup>
- STINGER-STEERED SEMITRAILER:** The term “stinger-steered semitrailer” shall mean every semitrailer which has its kingpin on a projection to the front of the structure of such semitrailer and is combined with the fifth (5) wheel of the truck tractor at a point not less than two feet (2’) to the rear of the center of the rearmost axle of such tractor.<sup>8</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-181.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-182.

<sup>3</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-187.

<sup>4</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-188.

<sup>5</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-193.

<sup>6</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-194.

<sup>7</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-196.

<sup>8</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-198.

- STOP:** The term “stop” when required shall mean complete cessation from movement.<sup>1</sup>
- STREET:** The term “street” shall mean the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.<sup>2</sup>
- SUBURBAN DISTRICT:** The term “suburban district” shall mean that portion of the Village other than the business and residence districts.<sup>3</sup>
- THROUGH HIGHWAY:** The term “through highway” shall mean every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highways in obedience to either a stop sign or a yield sign, when signs are erected as provided herein.<sup>4</sup>
- TIRES:** The term “tires” shall mean and include:
- (a) Pneumatic tires: Every tire in which compressed air is designed to support the load.
  - (b) Solid tire: Every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.
  - (c) Metal tires: Every tire the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.
- TRACTORS:** The term “tractors” shall mean and include:
- (a) Truck tractor: Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
  - (b) Farm tractor: Every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing, and other implements of husbandry, and every implement of husbandry which is self-propelled.
  - (c) Road tractor: Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.
  - (d) Implement of husbandry: Every vehicle designed and adopted exclusively for agricultural, horticultural, or livestock raising operations, including wagons, wagon trailers, or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer, or like vehicle having a capacity of more than four hundred (400) bushels or a gross weight of more than thirty thousand (30,000) pounds, shall be included hereunder.
- TRAFFIC:** The term “traffic” shall mean pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances, either singly or together, while using any highway for purposes of travel.<sup>5</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-199.

<sup>2</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-201.

<sup>3</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-203.

<sup>4</sup> For Statute authority, see S.H.A. Ch 95 1/2, Sec. 1-205.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-207.

TRAFFIC CONTROL SIGNAL:	The term "traffic control signal" shall mean any official traffic control device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. <sup>1</sup>
TRAILER:	The term "trailer" shall mean every vehicle without motive power in operation, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. <sup>2</sup>
TRAVEL TRAILER:	The term "travel trailer" shall mean a trailer, not used commercially, designed to provide living quarters for recreational, camping, or travel use, and of a size or weight not requiring an over-dimension permit when towed on a highway. <sup>3</sup>
TRUCK:	The term "truck" shall mean every motor vehicle designed, used, or maintained primarily for the transportation of property. <sup>4</sup>
TRUCK CAMPER:	The term "truck camper" shall mean a truck, not used commercially, when equipped with a portable unit designed to be loaded onto the bed which is constructed to provide temporary living quarters for recreational, travel, or camping use. <sup>5</sup>
TRUCKSTER:	The term "truckster" shall mean every motor vehicle or motorcycle with three (3) wheels designed, used, or maintained primarily for the transportation of property. <sup>6</sup>
TRUCK TRACTOR:	The term "truck tractor" shall mean every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry loads other than a part of the weight of the vehicle and load so drawn. <sup>7</sup>
URBAN DISTRICT:	The term "urban district" shall mean the territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of a quarter of a mile or more. <sup>8</sup>
VEHICLE:	The term "vehicle" shall mean every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power, devices used exclusively upon stationary rails or tracks, and snowmobiles, as defined in the Snowmobile Registration and Safety Act.

For this Title, vehicles are divided into two (2) divisions:

- (a) Those motor vehicles which are designed for the carrying of not more than ten (10) persons.
- (b) Those vehicles which are designed for carrying more than ten (10) persons, those designed or used for living quarters, and those vehicles which are designed for pulling or carrying property, freight, or cargo, those motor vehicles of the first division remodeled for the use and used as motor vehicles in the second division, and those motor vehicles of the first division used and registered as school buses.<sup>9</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-208.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-209.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-210.01.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-211.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 1-211.01.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec 1-211.1

<sup>7</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec 1-212.

<sup>8</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec 1-214.

<sup>9</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec 1-217.

YIELD  
RIGHT  
OF WAY:

The term “yield right of way” when required by an official sign shall mean the act of granting the privilege of the immediate use of the intersecting roadway to traffic within the intersection and to vehicles approaching from the right or left, but when the roadway is clear may proceed into the intersection.<sup>1</sup> (Ord. 80-5, 6-2-80)

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<sup>1</sup> For Statute authority, see S.H.A. 625 ILCS 5/1-219.





CHAPTER 2  
ENFORCEMENT

## SECTION:

- 9-2-1: Obedience To Police
- 9-2-2: Signs And Signals
- 9-2-3: Traffic Control Signal Legend
- 9-2-4: Pedestrian Control Signals
- 9-2-5: School Crossings
- 9-2-6: Unauthorized Signs
- 9-2-7: Interference With Official Traffic Control Devices Or Railroad Signs Or Signals
- 9-2-8: Traffic Laws Apply To Persons Riding Animals Or Driving Animal-Drawn Vehicles
- 9-2- 9: Exemptions
- 9-2-10: Lane Control Signals
- 9-2-11: Flashing Signals
- 9-2-12: Unlawful Use Or Damage To Highways, Appurtenances, And Structures
- 9-2-13: Temporary No-Parking And Yield/Stop Intersections

9-2-1: **OBEDIENCE TO POLICE:** Members of the Police Department are hereby authorized to direct all traffic in accordance with the provision of this Title, or in emergencies as public safety or convenience may require, and it shall be unlawful for any person to fail or refuse to comply with any lawful order, signal, or direction of a policeman. Except in emergency it shall be unlawful for any person not authorized by the Chief of Police to direct or attempt to direct traffic.<sup>1</sup> (1944 Code, Sec. 314)

9-2-2: **SIGNS AND SIGNALS:** It shall be unlawful for the driver of any vehicle to disobey the instructions of any traffic sign or signal placed in view by authority of the Board or in accordance with the laws of the State of Illinois. (1944 Code, Sec. 315)

9-2-3: **TRAFFIC CONTROL SIGNAL LEGEND:** Whenever traffic is controlled by traffic control signals exhibiting different colored lights successively one at a time, or with lighted green arrows, only the following colors shall be used and such terms and lights and lighted green arrows shall indicate and apply to drivers of vehicles and pedestrians as follows:

(A) Circular Green (alone).

1. Vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.
2. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal.

(B) Steady Yellow.

1. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic may not enter the intersection.

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<sup>1</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-203.

2. Pedestrians facing a steady yellow signal unless otherwise directed by a pedestrian control signal, are thereby advised that there is insufficient time to cross the roadway, and no pedestrian shall start to cross.

(C) Steady Red Indication.

1. Vehicular traffic facing a steady red signal alone must stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of an intersection, or if none, then before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraphs (C)2 and (C)3 of this Section.
2. Vehicular traffic facing a steady red signal at an intersection may turn right after stopping as required by paragraph (C)1 of this Section but shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. However, the Village may by ordinance, and State authorities may by rule or regulation prohibit any such right turn against a steady red signal at any intersection under their respective jurisdiction. Such ordinance or rule or regulation shall be effective when a sign is erected at such intersection giving notice of the ordinance or rule or regulation prohibiting the right turn.
3. Vehicular traffic on a one-way highway facing a steady red signal may, after stopping as required by paragraph (C)1 of this Section, cautiously enter the intersection and make a left turn onto an intersecting one-way highway on which traffic travels to the left but shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. However, the Village may by ordinance and State authorities may by rule or regulation prohibit any such left turn against a steady red signal at any intersection within their respective jurisdiction. Such rule or regulation shall be effective when a sign is erected at such intersection giving notice of the ordinance or rule or regulation prohibiting the left turn.
4. No pedestrian facing such signal shall enter the roadway unless a separate "walk" indication is shown.

(D) Green Straight-Through Arrow (alone).

1. Vehicular traffic facing the signal may proceed straight through, but shall not turn right or left. Such vehicular traffic shall yield the right of way to other vehicles and to pedestrians legally within the intersection or an adjacent crosswalk at the time such signal is exhibited.
2. Pedestrians facing the signal may proceed across the roadway within the appropriate marked crosswalk unless directed otherwise by a pedestrian signal.

(E) Green Turn Arrow (with circular green, with steady yellow, with steady red, or with green straight-through arrow).

1. Vehicular traffic facing the signal shall comply with the meaning of the circular green, steady yellow, steady red, or green straight-through arrow indication as if it were shown alone, except that such vehicular traffic may cautiously enter the intersection to make the movement indicated by the green turn arrow. Vehicular traffic shall yield the right of way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection.
2. Pedestrians facing such signal shall comply with the meaning of the circular green, steady yellow, steady red, or straight-through arrow indication as if it were shown alone, unless directed otherwise by a pedestrian signal.

(F) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.<sup>1</sup>

9-2-4: **PEDESTRIAN CONTROL SIGNALS:** Whenever special pedestrian control signals exhibiting the words "Walk" or "Don't Walk" or the illuminated symbols of a walking person or an upraised palm are in place such signals shall indicate as follows:

(A) Walk or walking person symbol. Pedestrians facing such signal may proceed across the roadway in the direction of the signal, and shall be given the right of way by the drivers of all vehicles.

(B) Don't Walk or upraised palm symbol. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partly completed his crossing on the Walk signal or walking person symbol shall proceed to a sidewalk or safety island while the "Don't Walk" signal or upraised palm symbol is illuminated, steady, or flashing.<sup>2</sup> (Ord. 80-5, 6-2-80)-306.

9-2-5: **SCHOOL CROSSINGS:** On school days from eight o'clock (8:00) A.M. to four o'clock (4:00) P.M., the driver of a vehicle approaching a marked school crossing shall yield the right of way, slowing down or stopping if need be to so yield, to any pedestrian who has entered the crosswalk or is approaching the crosswalk so closely as to be in danger. (Ord. 93-14, 10-4-93)

9-2-6: **UNAUTHORIZED SIGNS:** It shall be unlawful for any person to place, maintain, or display any device, other than an official warning or direction sign or signal authorized by statute or provision of this Code, upon or in view of any street, if such device purports to be, or is in imitation of any official warning or direction sign or signal, or directs or purports to direct traffic. Any such unauthorized device is hereby declared to be a nuisance, and may be removed by any policeman.<sup>3</sup> (1944 Code, Sec. 317)

9-2-7: **INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS:** It shall be unlawful for any person to attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device, or any railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.<sup>4</sup>

9-2-8: **TRAFFIC LAWS APPLY TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES:** Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Title, except those provision of this Title which is by their very nature can have no application.<sup>5</sup> (Ord. 80-5, 6-2-80)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Par. 11

<sup>2</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-307.

<sup>3</sup> For Statute authority, see S.H.A. 625 ILCS 5/1-131.

<sup>4</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-311.

<sup>5</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-206.

9-2-9: **EXEMPTIONS:** The provisions of this Title regulating the movement or parking of vehicles shall not apply to emergency vehicles while the driver thereof is engaged in the performance of emergency duties. Nor shall such provisions apply to persons engaged in repairing or otherwise improving the street under the authority of the Board of Trustees or of the State of Illinois. (1944 Code, Sec. 320)

9-2-10: **LANE CONTROL SIGNALS:** Whenever lane control signals are used in conjunction with official signs, they shall have the following meanings:

- (A) Downward-pointing green arrow. A driver facing this indication is permitted to drive in the lane over which the arrow signal is located. Otherwise he shall obey all other traffic controls present and follow normal safe driving practices.
- (B) Red "X" symbol. A driver facing this indication shall not drive in the lane over which the signal is located, and this indication shall modify accordingly the meaning of all other traffic controls present. Otherwise he shall obey all other traffic controls and follow normal safe driving practices.
- (C) Yellow "X" (steady). A driver facing this indication should prepare to vacate the lane over which the signal is located in a safe manner to avoid, if possible, occupying that lane when a steady red "X" is displayed.
- (D) Flashing yellow arrow. A driver facing this indication may use the lane only for the purpose of approaching and making a left turn.<sup>1</sup>

9-2-11: **FLASHING SIGNAL:** Whenever an illuminated flashing red or yellow signal is used in conjunction with a traffic control device, it shall require obedience by vehicular traffic as follows:

- (A) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at a point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
- (B) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.
- (C) This Section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by other provisions in this Title.<sup>2</sup>

9-2-12: **UNLAWFUL USE OR DAMAGE TO HIGHWAYS, APPURTENANCES, AND STRUCTURES:** It shall be unlawful for any person to wilfully injure or damage any highway or street or any bridge, culvert, sign, sign post, or structure, upon or used or constructed in connection with any public highway or street for the protection thereof or for the protection or regulation of traffic thereon by any wilfully unusual, improper, or unreasonable use thereof, or by wilfully careless driving or use of any vehicle thereof, or by wilfully mutilation, defacing, or destruction thereof.<sup>3</sup> (Ord. 80-5, 6-2-80)

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<sup>1</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-308.

<sup>2</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-309.

<sup>3</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-312.

9-2-13: **TEMPORARY NO-PARKING AND YIELD/STOP INTERSECTIONS:** In the event that the normal traffic pattern on a street or streets is disrupted because of construction, disaster, community event approved by the Board of Trustees, or other emergency, then upon the direction of the Superintendent of Public Works or the Chief of Police, the following action may be taken:

- (A) For any affected street, the yield or stop signs at its intersections may be temporarily changed in such manner as is required to alleviate, to the extent possible, traffic hazards or congestion on the affected streets.
- (B) No-parking areas or parking limitations may be designated on the affected streets.
- (C) These temporary changes shall remain in effect until the conditions which necessitated the change no longer exist or unless changed by action of the President and Board of Trustees as provided in this Section. The Village shall appropriately identify any affected intersections or no-parking areas by posting signs.
- (D) The Superintendent of Public Works or the Chief of Police shall advise the President and Board of Trustees at their next regularly scheduled meeting of any changes made pursuant to this Ordinance.
- (E) At said meeting the President and Board of Trustees shall have the right to modify any changes reported by the Superintendent or the Chief of Police. If no action is taken said changes shall remain in effect until such time as the conditions which warranted same no longer exist. (Ord. 88-32, 4-17-89; amd. Ord. 09-27, 10-5-09)



CHAPTER 3  
**PEDESTRIANS**

## SECTION:

- 9-3-1: Pedestrian Obedience to Traffic Control Devices and Traffic Regulations
- 9-3-2: Pedestrians' Right Of Way at Crosswalks
- 9-3-3: Crossing at Other than Crosswalks
- 9-3-4: Drivers to Avoid Colliding With Pedestrians
- 9-3-5: Blind Pedestrian Right Of Way
- 9-3-6: Pedestrians to Use Right Half of Crosswalks
- 9-3-7: Pedestrians Soliciting Rides or Business
- 9-3-8: Pedestrians Walking on Highways
- 9-3-9: Right Of Way on Sidewalks
- 9-3-10: Pedestrians Yield to Authorized Emergency Vehicles
- 9-3-11: Pedestrians Under Influence of Alcohol or Drugs
- 9-3-12: Railroad Signals
- 9-3-13: Standing on Sidewalk

9-3-1: **PEDESTRIAN OBEDIENCE TO TRAFFIC CONTROL DEVICES AND TRAFFIC REGULATIONS:** A pedestrian shall obey the instructions of any official traffic control device specifically applicable to him, unless otherwise directed by a police officer.

Pedestrians shall be subject to traffic and pedestrian control signals provided in Chapter 2, Section 3 and Chapter 2, Section 4 of this Title, but at all other places, pedestrians shall be accorded the privileges and shall be subject to the restrictions as stated in this Section.<sup>1</sup>

9-3-2: **PEDESTRIANS' RIGHT OF WAY AT CROSSWALKS:**

- (A) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (B) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a moving vehicle which is so close as to constitute an immediate hazard.
- (C) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (D) Whenever stop signs or flashing red signals are in place at an intersection or at a plainly marked crosswalk between intersections, drivers shall yield right of way to pedestrians.<sup>2</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Par. 11-1001.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1002.

9-3-3: **CROSSING AT OTHER THAN CROSSWALKS:**

- (A) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.
- (B) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.
- (C) Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.
- (D) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.<sup>1</sup>

9-3-4: **DRIVERS TO AVOID COLLIDING WITH PEDESTRIANS:** Notwithstanding other provisions of this Title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person.<sup>2</sup>

9-3-5: **BLIND PEDESTRIAN RIGHT OF WAY:** The driver of a vehicle shall yield the right of way to any blind pedestrian carrying a clearly visible cane or accompanied by a guide dog.<sup>3</sup>

9-3-6: **PEDESTRIANS TO USE RIGHT HALF OF CROSSWALKS:** Pedestrians shall move, whenever practicable, upon the right half of crosswalks.<sup>4</sup>

9-3-7: **PEDESTRIANS SOLICITING RIDES OR BUSINESS:**

- (A) No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any vehicle.
- (B) No person shall stand on a highway for the purpose of soliciting employment or business from the occupant of any vehicle.<sup>5</sup>

9-3-8: **PEDESTRIANS WALKING ON HIGHWAYS:**

- (A) Where a sidewalk is provided and its use is practicable, it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.
- (B) Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder, as far as practicable from the edge of the roadway.
- (C) Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of a roadway, and, if on a two-(2) way roadway, shall walk only on the left side of the roadway.
- (D) Except as otherwise provided in this Code, any pedestrian upon a roadway shall yield the right of way to all vehicles upon the roadway.<sup>6</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1003.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1003.1.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1004.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1005.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1006.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1007.



- 9-3-9:       **RIGHT OF WAY ON SIDEWALKS:** The driver of a vehicle shall yield the right of way to any pedestrian on a sidewalk.<sup>1</sup>
- 9-3-10:       **PEDESTRIANS YIELD TO AUTHORIZED EMERGENCY VEHICLES:** Upon the immediate approach of an authorized emergency vehicle making use of an audible signal and visual signals meeting the requirements of Chapter 5, Section 3 of this Title, or of a police vehicle properly and lawfully making use of an audible signal only, every pedestrian shall yield the right of way to the authorized emergency vehicle.<sup>2</sup>
- 9-3-11:       **PEDESTRIANS UNDER INFLUENCE OF ALCOHOL OR DRUGS:** A pedestrian who is under the influence of alcohol or any drug to a degree which renders himself a hazard shall not walk or be upon a roadway except on a sidewalk.<sup>3</sup>
- 9-3-12:       **RAILROAD SIGNS:** No pedestrian shall pass through, around, over, or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or being open or closed.<sup>4</sup>
- 9-3-13:       **STANDING ON SIDEWALK:** It shall be unlawful for a pedestrian to stand upon any sidewalk except as near as is reasonably possible to the building or curb line, if such standing interferes with the use of said sidewalk by other pedestrians. (Ord. 80-5, 6-2-80)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1008.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1009.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1010.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1011.



CHAPTER 4  
**RULES OF THE ROAD**

SECTION:

- 9-4-1: Persons Under The Influence Of Intoxicating Liquor Or Narcotic Drugs
- 9-4-2: Transportation Of Alcoholic Liquor
- 9-4-3: Reckless Driving
- 9-4-4: Drag Racing
- 9-4-5: Drive On Right Side Of Roadway; Exceptions
- 9-4-6: Passing Vehicles Proceeding In Opposite Directions
- 9-4-7: Overtaking A Vehicle On The Left
- 9-4-8: When Overtaking On The Right Is Permitted
- 9-4-9: Limitations On Overtaking On The Left
- 9-4-10: Further Limitations On Driving To The Left Of Center Of Roadway
- 9-4-11: No-Passing Zones
- 9-4-12: One-Way Roadways And Rotary Traffic Islands
- 9-4-13: Driving On Roadways Lined For Traffic
- 9-4-14: Following Too Closely
- 9-4-15: Restrictions On Use Of Controlled Access Highway
- 9-4-16: Required Position And Method Of Turning At Intersections
- 9-4-17: Limitations On U Turns
- 9-4-18: Starting Parked Vehicle
- 9-4-19: When Signal Required
- 9-4-20: Signal By Hand Or Arm Or Signal Device
- 9-4-21: Method Of Giving Hand And Arm Signals
- 9-4-22: Vehicles Approaching Or Entering Intersection
- 9-4-23: Vehicles Approaching Or Entering A "T" Intersection
- 9-4-24: Vehicle Turning Left
- 9-4-25: Vehicles Entering Stop Crosswalk
- 9-4-26: Vehicle Entering Stop Or Yield Intersection
- 9-4-27: Merging Traffic
- 9-4-28: Vehicle Entering Highway From Private Road Or Driveway
- 9-4-29: Operation Of Vehicles On Approach Of Authorized Emergency Vehicles
- 9-4-30: Vehicle Approaching Highway Construction Or Maintenance Area
- 9-4-31: Obedience To Signal Indicating Approach Of Train
- 9-4-32: Certain Vehicles Must Stop At All Railroad Grade Crossings
- 9-4-33: Moving Heavy Equipment At Railroad Grade Crossings
- 9-4-34: Stop And Yield Signs
- 9-4-35: Emerging From Alley, Building, Private Road, Or Driveway
- 9-4-36: Stopping, Standing, Or Parking Outside Of Business Or Residence District
- 9-4-37: Officers Authorized To Remove Vehicles
- 9-4-38: Unattended Motor Vehicles
- 9-4-39: Limitations On Backing
- 9-4-40: Riding On Motorcycles
- 9-4-41: Riding On Motorized Pedalcycles
- 9-4-42: Operating Motorcycle On One Wheel
- 9-4-43: Obstruction Of Driver's View Or Driving Mechanism
- 9-4-44: Opening And Closing Vehicle Doors
- 9-4-45: Riding In House Trailers
- 9-4-46: Coasting Prohibited
- 9-4-47: Following Fire Apparatus Prohibited
- 9-4-48: Crossing Fire Hose
- 9-4-49: Driving Upon Sidewalk
- 9-4-50: Putting Glass, Etc., On Highway Prohibited

- 9-4-51: Truck Routes
- 9-4-52: Toy Vehicles On Roadway
- 9-4-53: Public Pool Crossing
- 9-4-54: Speed Restrictions
- 9-4-55: Transportation of Cannabis, Controlled Substance, Or Drug Paraphernalia Prohibited
- 9-4-56: Neighborhood Electric Vehicles
- 9-4-57: Prohibition of Vehicles on Sidewalks
- 9-4-58: Prohibition of Certain 3-Wheel and 4-Wheel Vehicles on Certain Streets

9-4-1: **PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS:** The provisions of section 11-501 of the Illinois Vehicle Code (625 Illinois Compiled Statutes 5/11-501) including all subparagraphs except (i) and including all future amendments thereto are hereby adopted by reference as the provisions of this Title 9, Chapter 4, Section 1, the penalty for the violation thereof being the penalty under Title 1, Chapter 4, Section 1 of the Morton Municipal Code set forth herein.

9-4-2: **TRANSPORTATION OF ALCOHOLIC LIQUOR:** The provisions of section 5/11-503 of the Illinois Vehicle Code (625 Illinois Compiled Statutes section 5/11-502), except the penalty provision, and including all future amendments thereto are hereby adopted by reference as the provisions of this Title 9, Chapter 4, Section 2, the penalty for the violation thereof being the penalty under Title 1, Chapter 4, Section 1 of the Morton Municipal Code set forth herein.

9-4-3: **RECKLESS DRIVING:** The provisions of section 5/11-503 of the Illinois Vehicle Code (625 Illinois Compiled Statutes section 5/11-503) excepting subparagraph (b) and including all future amendments thereto, are hereby adopted by reference as the provisions of a this Title 9, Chapter 4, Section 3, the penalty for the violation thereof being the penalty under Title 1, Chapter 4, Section 1 of the Morton Municipal Code set forth herein.

9-4-4: **DRAG RACING:** It shall be unlawful for any person to be a participant in drag racing.

“Drag racing” means the act of two (2) or more individuals competing or racing on any street or highway in this State in a situation in which one of the motor vehicles is beside or to the rear of a motor vehicle operated by a competing driver and the one driver attempts to prevent the competing driver from passing or overtaking him, either by acceleration or maneuver, or one or more individuals competing in a race against time on any street or highway in this Village.<sup>1</sup>

9-4-5: **DRIVE ON RIGHT SIDE OF ROADWAY; EXCEPTIONS:**

- (A) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movements;
  2. When an obstruction exists making it necessary to drive to the left of the center of the roadway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the roadway within such distance as to constitute an immediate hazard;
  3. Upon a roadway divided into three (3) marked lanes for traffic under the rules applicable thereon;
  4. Upon a roadway restricted to one-way traffic;

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-504.

5. Whenever there is a single track paved road on one side of the public highway and two (2) vehicles meet thereon, the driver on whose right is the wider shoulder shall give the right of way on such pavement to the other vehicle.

- (B) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven on the right-hand lane available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- (C) Upon any roadway having four (4) or more lanes for moving traffic and providing for two (2) way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (A)2. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road, or driveway.<sup>1</sup>

9-4-6: **PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTIONS:** Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half (1/2) of the main-traveled portion of the roadway as nearly as possible.<sup>2</sup>

9-4-7: **OVERTAKING A VEHICLE ON THE LEFT:** The following rules govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules otherwise stated in this Title:

- (A) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle. In no event shall such movement be made by driving off the pavement or the main traveled portion of the roadway.
- (B) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (C) The driver of a two (2) wheeled vehicle may not, in passing upon the left of any vehicle proceeding in the same direction, pass upon the right of any vehicle proceeding in the same direction unless there is an unobstructed lane of traffic available to permit such passing maneuver safely.<sup>3</sup>

9-4-8: **WHEN OVERTAKING ON THE RIGHT IS PERMITTED:**

- (A) The driver of a vehicle with three (3) or more wheels may overtake and pass upon the right of another vehicle only under the following conditions:
1. When the vehicle overtaken is making or about to make a left turn;
  2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction;

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-701.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-702.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-703.

3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

- (B) The driver of a two (2) wheeled vehicle may not pass upon the right of any other vehicle proceeding in the same direction unless the unobstructed pavement to the right of the vehicle being passed is a width of not less than eight feet (8').
- (C) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway.<sup>1</sup>

9-4-9: **LIMITATIONS ON OVERTAKING ON THE LEFT:** No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Chapter and unless such left side is clearly visible and is free of on-coming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet (200') of any vehicle approaching from the opposite direction.<sup>2</sup>

9-4-10: **FURTHER LIMITATIONS ON DRIVING TO THE LEFT OF CENTER OF ROADWAY:**

- (A) No vehicle shall be driven to the left of center of the roadway under the following conditions:
1. When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.
  2. When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing.
  3. When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct, or tunnel.
- (B) The limitations in sub-paragraphs 1, 2, and 3 do not apply upon a one-way roadway nor upon a roadway with unobstructed pavement of sufficient width for two (2) or more lanes of moving traffic in each direction nor to the driver of a vehicle turning left into or from an alley, private road, or driveway when such movements can be made with safety.<sup>3</sup>

9-4-11: **NO-PASSING ZONES:**

- (A) The Village is authorized to determine those portions of any highway under its jurisdiction where overtaking and passing or driving on the left of the roadway would be especially hazardous and may be appropriate signs or markings on the roadway indicate the beginning and end of such zones, and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.
- (B) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (A) no driver may at any time drive on the left side of the roadway within the no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-704.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-705.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-706.

- (C) This Section does not apply under the conditions described in Section 9-4-5 (A)2, nor to the driver of a vehicle turning left into or from an alley, private road, or driveway. The pavement striping designed to mark the no-passing zone may be crossed from the left hand lane for the purpose of completing a pass that was begun prior to the beginning of the zone in the driver's direction of travel.<sup>1</sup>

9-4-12: **ONE-WAY ROADWAYS AND ROTARY TRAFFIC ISLANDS:**

- (A) The Village, with respect to highways under its jurisdiction, may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all or such times as shall be indicated by official traffic control devices.
- (B) Upon a roadway so designated for one-way traffic, a vehicle shall be driven only in the direction designated at all or such times as shall be indicated by official traffic control devices.
- (C) A vehicle passing around a rotary traffic island must be driven only to the right of such island.
- (D) Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or a clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle must be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic control devices or police officers. No vehicle may be driven over, across, or within any such dividing space, barrier, or section, except through an opening in the physical barrier, or dividing section, or space, or at a cross-over or intersection as established by public authority.<sup>2</sup>

9-4-13: **DRIVING ON ROADWAYS LANED FOR TRAFFIC:** Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

- (A) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
- (B) Upon a roadway which is divided into three (3) lanes and provides for two (2) way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.
- (C) Official traffic control devices may be erected directing specific traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign. On multilane controlled access highways with three (3) or more lanes in one direction, the Village may designate lanes of traffic to be used by different types of motor vehicles.
- (D) Official traffic control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device.<sup>3</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-707.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-708.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-709.

9-4-14: **FOLLOWING TOO CLOSELY:**

- (A) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and the condition of the highway.
- (B) The driver of any truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a truck or motor vehicle drawing another vehicle from overtaking and passing any vehicle or combination of vehicles.
- (C) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision does not apply to funeral processions.<sup>1</sup>

9-4-15: **RESTRICTIONS ON USE OF CONTROLLED ACCESS HIGHWAY:**

- (A) No person may drive a vehicle onto or from any controlled access highway except at entrances and exits established by public authority.
- (B) The Village with respect to any controlled access highway under its jurisdiction may prohibit the use of any such highways by pedestrians (except in authorized areas or facilities), bicycles, farm tractors, implements of husbandry, funeral processions, and any vehicle unable to maintain the minimum speed for which the highway is posted, or other non-motorized traffic or by any person operating a motor driven cycle. The Village may also prohibit the use of such highway to school buses picking up and discharging children and mail delivery vehicles picking up or delivering mail. The Village shall erect and maintain official signs on the controlled access highway on which such prohibitions are applicable and when so erected, no person may disobey the restrictions stated on such sign.<sup>2</sup>

9-4-16: **REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTIONS:** The driver of a vehicle intending to turn at an intersection shall do so as follows:

- (A) Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
- (B) The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle, and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.
- (C) The Village in its jurisdiction may cause official traffic control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this Section be traveled by vehicles turning at an intersection, and where such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-710.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-711.



(D) Where a special lane for making left turns by drivers proceeding in opposite directions has been indicated by official traffic control devices, allowing for exceptions which are normal traffic engineering standards.

1. A left turn shall not be made from any other lane.
2. A vehicle shall not be driven in the lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn when otherwise permitted by law.<sup>1</sup> (Ord. 80-5, 6-2-80)

9-4-17: **LIMITATIONS ON U-TURNS:**

- (A) The driver of any vehicle shall not turn such vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without interfering with other traffic, provided that no such U-turn shall be made on Main Street between Adams and Madison Streets, or on Morton Avenue between Jefferson and Jackson Streets. (Ord. 80-34, 1-5-81)
- (B) No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500').<sup>2</sup>

9-4-18: **STARTING PARKED VEHICLE:** No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.<sup>3</sup>

9-4-19: **WHEN SIGNAL REQUIRED:**

- (A) No person may turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 9-4-16 or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.
- (B) A signal of intention to turn right or left when required must be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning within a business or residence district, and such signal must be given continuously during not less than the last two hundred feet (200') traveled by the vehicle before turning outside a business or residence district.
- (C) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in this Title to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.
- (D) The electric turn signal device as required in Section 9-5-3 of this Code must be used to indicate an intention to turn, change lanes, or start from a parallel parked position but must not be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. However, such signal devices may be flashed simultaneously on both sides of a motor vehicle to indicate the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking and passing.<sup>4</sup>

9-4-20: **SIGNAL BY HAND OR ARM OR SIGNAL DEVICE:** Any stop or turn signal when required herein shall be given either by means of the hand and arm or by an electric turn signal device conforming to the requirements provided in Section 9-5-3 of this Code.<sup>5</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-801.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-802.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-803.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-804.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-805.

9-4-21: **METHOD OF GIVING HAND AND ARM SIGNALS:** All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

1. Left turn - hand and arm extended horizontally.
2. Right turn - hand and arm extended upward.
3. Stop or decrease of speed - hand and arm extended downward.<sup>1</sup>

9-4-22: **VEHICLES APPROACHING OR ENTERING INTERSECTION:**

- (A) When two (2) vehicles approach or enter an intersection from different roadways at approximately the same time, the driver of the vehicle on the left must yield the right of way to the vehicle on the right.
- (B) The right-of-way rule declared in paragraph (A) of this Section is modified at through highways and otherwise as stated in this Title.<sup>2</sup>

9-4-23: **VEHICLES APPROACHING OR ENTERING A "T" INTERSECTION:** The driver of a vehicle approaching the intersection of a highway from a highway which terminates at the intersection, but otherwise regulated by this Code or controlled by traffic control signs or signals, shall stop, yield, and grant the privilege of immediate use of the intersection to another vehicle which has entered the intersection from the non-terminating highway or is approaching the intersection on the non-terminating highway in proximity as to constitute a hazard and after stopping may proceed when the driver may safely enter the intersection without interference or collision with the traffic using the non-terminating highway.<sup>3</sup>

9-4-24: **VEHICLE TURNING LEFT:** The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is so close as to constitute an immediate hazard, but said driver, having so yielded may proceed at such time as a safe interval occurs.<sup>4</sup>

9-4-25: **VEHICLES ENTERING STOP CROSSWALK:** Where stop sign or flashing red signals are in place at an intersection or flashing red signals are in place at a plainly marked crosswalk between intersections, drivers of vehicles shall stop before entering the nearer crosswalk and pedestrians within or entering the crosswalk at either edge of the roadway shall have the right of way over vehicles so stopped. Drivers of vehicles having so yielded the right of way to pedestrians entering or within the nearest crosswalk at an intersection shall also yield the right of way to pedestrians within any other crosswalk at the intersection.<sup>5</sup>

9-4-26: **VEHICLE ENTERING STOP OR YIELD INTERSECTION:**

- (A) Preferential right of way at an intersection may be indicated by stop or yield signs as authorized in Section 9-10-1 of this Code.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-806.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-901.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-901.01.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-902.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-903.

- (B) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right of way to any vehicle which has entered the intersection from another roadway or which is approaching so closely on the roadway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection, but said driver having so yielded may proceed at such time as safe interval occurs.
- (C) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection.
- (D) If a driver is involved in a collision at an intersection or interferes with the movement of other vehicles after driving past a yield right-of-way sign, such collision or interference shall be deemed prima facie evidence of the driver's failure to yield right of way.<sup>1</sup>

9-4-27: **MERGING TRAFFIC:** Notwithstanding the right of way provision in Section 9-4-22 of this Code, at an intersection where traffic lanes are provided for merging traffic, the driver of each vehicle on the converging roadway is required to adjust his vehicular speed and lateral position so as to avoid a collision with another vehicle.<sup>2</sup>

9-4-28: **VEHICLE ENTERING HIGHWAY FROM PRIVATE ROAD OR DRIVEWAY:** The driver of a vehicle about to enter or cross a highway from an alley, building, private road, or driveway shall yield the right of way to all vehicles approaching on the highway to be entered.<sup>3</sup>

9-4-29: **OPERATION OF VEHICLES ON APPROACH OF AUTHORIZED EMERGENCY VEHICLES:**

- (A) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of this Title or a police vehicle properly and lawfully making use of an audible or visual signal, the driver of every other vehicle on the same roadway shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to, the right hand edge or curb of the highway clear of any intersection and shall stop if possible and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (B) This Section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.<sup>4</sup>

9-4-30: **VEHICLE APPROACHING HIGHWAY CONSTRUCTION OR MAINTENANCE AREA:**

- (A) The driver of a vehicle shall yield the right of way to any authorized vehicle or pedestrian actually engaged in work upon a highway within any highway construction or maintenance area indicated by official traffic control devices.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-904.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-905.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-906.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-907.

- (B) The driver of a vehicle shall yield the right of way to any authorized vehicle obviously and actually engaged in work upon a highway whenever the vehicle engaged in construction or maintenance work displays flashing lights.<sup>1</sup>

**9-4-31: OBEDIENCE TO SIGNAL INDICATING APPROACH OF TRAIN:**

- (A) Whenever any person driving a vehicle approaches a railroad grade crossing such person must exercise due care and caution as the existence of a railroad track across a highway is a warning of danger, and under any of the circumstances stated in this Section, the driver shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of the railroad and shall not proceed until he can do so safely. The foregoing requirements shall apply when:
1. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;
  2. A crossing gate is lowered or human flagman gives or continues to give a signal of the approach or passage of a railroad train;
  3. A railroad train approaching a highway crossing emits a warning signal and such railroad train, by reason of its speed or nearness to such crossing is an immediate hazard;
  4. An approaching railroad train is plainly visible and is in hazardous proximity to such crossing;
  5. A railroad train is approaching so closely that an immediate hazard is created.
- (B) No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.
- (C) The Village, subject to the approval of the Department of Transportation of the State, may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad and shall proceed only upon exercising due care.<sup>2</sup>

**9-4-32: CERTAIN VEHICLES MUST STOP AT ALL RAILROAD GRADE CROSSINGS:**

- (A) The driver of any second division motor vehicle carrying passengers for hire, or any vehicle which is required by Federal or State law to be placarded when carrying hazardous material as defined in the "Illinois Hazardous Materials Transportation Act," approved August 26, 1977, as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet (50') but not less than fifteen feet (15') from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping, as required in this Section, the driver shall proceed only in gear not requiring a change of gears during the crossing, and the driver shall not shift gears while crossing the track or tracks.
- (B) This Section shall not apply at
1. Any railroad grade crossing at which traffic is controlled by a police officer or human flagman;

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-908.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1201.

2. Any railroad grade crossing at which traffic is regulated by a traffic control signal;
3. Any abandoned, industrial, or spur track railroad grade crossing designated as exempt by the Illinois Commerce Commission and marked with an official sign as authorized in the State Manual of Uniform Traffic Control Devices for Streets and Highways.

- (C) This Section does not apply to streetcar grade crossings within a business or residence district.
- (D) All school buses shall stop at all railroad crossings when carrying passengers, except at any railroad grade crossing located upon a four (4) lane highway where the posted speed limit is in excess of forty five (45) miles per hour or any railroad grade crossing at which traffic is controlled by a police officer or human flagman.<sup>1</sup>

**9-4-33: MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSING:**

- (A) No person shall operate or move any crawler-type tractor, power shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour, or, for such equipment with eighteen feet (18') or less distance between two (2) adjacent axles, having a vertical body or load clearance of less than nine inches (9") above a level surface, or, for such equipment with more than eighteen feet (18') between two (2) adjacent axles, having a vertical body or load clearance of less than half inch (1/2") per foot of distance between such adjacent axles above a level surface upon or across any tracks at a railroad grade crossing without first complying with this Section.
- (B) Notice of any such intended crossing shall be given to a superintendent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.
- (C) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet (15') nor more than fifty feet (50') from the nearest rail of such railway and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.
- (D) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car.<sup>2</sup>

**9-4-34: STOP AND YIELD SIGNS:**

- (A) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in Title 9, Chapter 9, Section 1 of this Code.
- (B) Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.
- (C) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.<sup>3</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1202.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1203.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1204.

9-4-35: **EMERGING FROM ALLEY, BUILDING, PRIVATE ROAD, OR DRIVEWAY:** The driver of a vehicle emerging from an alley, building, private road, or driveway within an urban area shall stop such vehicle immediately prior to driving into the sidewalk area extending across such alley, building entrance, road, or driveway, or in the event there is no sidewalk area, shall stop at the point nearest the street to be entered where the driver has a view of approaching traffic thereon, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on such roadway.<sup>1</sup>

9-4-36: **STOPPING, STANDING, OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICT:**

(A) Outside a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway when it is practicable to stop, park, or so leave such vehicle off the roadway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred feet (200') in each direction upon such highway.

(B) This Section 9-4-36 shall not apply to the driver of any vehicle which is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.<sup>2</sup>

9-4-37: **OFFICERS AUTHORIZED TO REMOVE VEHICLES:**

(A) Whenever any police officer finds a vehicle in violation of any of the provisions of Section 9-4-36, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the roadway.

(B) Any police officer is hereby authorized to remove or cause to be removed to a place of safety any unattended vehicle illegally left standing upon any highway, bridge, causeway, or in a tunnel, in such a position or under such circumstances as to obstruct the normal movement of traffic.

Whenever the Village finds an abandoned or disabled vehicle standing upon the paved or main-traveled part of a highway, which vehicle is or may be expected to interrupt the free flow of traffic on the highway or interfere with the maintenance of the highway, the Village is authorized to move the vehicle to a position off the paved or improved or main-traveled part of the highway.

(C) Any police officer is hereby authorized to remove or cause to be removed to the nearest garage or other place of safety any vehicle found upon a highway when:

1. Report has been made that such vehicle has been stolen or taken without the consent of its owner, or
2. The person or persons in charge of such vehicle are unable to provide for its custody or removal, or
3. When the person driving or in control of such vehicle is arrested for an alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.<sup>3</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1205.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1301.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1302.

9-4-38: **UNATTENDED MOTOR VEHICLES:** No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the the highway.<sup>1</sup>

9-4-39: **LIMITATIONS ON BACKING:**

- (A) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.
- (B) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled access highway.<sup>2</sup>

9-4-40: **RIDING ON MOTORCYCLES:** The operator of a motorcycle shall ride only astride the permanent and regular seat or saddle attached thereto, and the operator shall not permit more than one other person to ride thereon nor shall such other person ride on the motorcycle unless it is designed to carry two (2) people, in which event the passenger shall also ride astride the permanent and regular seat or saddle if it is designed for two (2) persons, or astride another seat or saddle firmly attached to the rear of the operator; however, any seat or saddle designed for a passenger must be equipped with permanent handgrips and, in addition, the motorcycle must be equipped with footrests adjusted to fit such passenger. A sidecar may be attached to a motorcycle in which additional persons may ride.<sup>3</sup>

9-4-41: **RIDING ON MOTORIZED PEDALCYCLES:**

- (A) The operator of a motorized pedalcycle shall ride only astride the permanent and regular seat attached thereto, and shall not permit two (2) persons to ride thereon at the same time unless the motorized pedalcycle is designed to carry two (2) persons; any motorized pedalcycle designed for two (2) persons must be equipped with a passenger seat and permanent handgrips and footrests for use of a passenger.
- (B) Neither the operator nor any passenger on a motorized pedalcycle shall be required to wear any special goggles, shield, helmet, or glasses.
- (C) The provisions of Title 9, Chapter 8 shall be applicable to the operation of motorized pedalcycles, except for those provisions which by their nature can have no application to motorized pedalcycles.<sup>4</sup>

9-4-42: **OPERATING MOTORCYCLE ON ONE WHEEL:** Any person who operates a motorcycle on one wheel is guilty of reckless driving as defined in Section 9-4-3 of this Code.<sup>5</sup>  
(Ord. 80-5, 6-2-80)

9-4-43: **OBSTRUCTION OF DRIVER'S VIEW OR DRIVING MECHANISM:**

- (A) No person shall drive a vehicle when it is too loaded, or when there are in the front seat such a number or person exceeding three (3), as to obstruct the view of the driver to the front, rear, or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle. (Ord. 80-34, 1-5-81)
- (B) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.
- (C) No passenger on a school bus may ride or stand in a position as to interfere with the drivers view ahead or to the side or to the rear, or to interfere with his control of the driving mechanism of the bus.<sup>6</sup>

<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1401.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1402.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1403.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1403.1.

<sup>5</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1403.2.

<sup>6</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1406.

9-4-44: **OPENING AND CLOSING VEHICLE DOORS:** No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.<sup>1</sup> (Ord. 80-5, 6-2-80)

9-4-45: **RIDING IN HOUSE TRAILERS:** No person or persons shall occupy a house trailer, travel trailer while it is being towed upon a public highway.<sup>2</sup> (Ord. 80-5, 6-2-80)

9-4-46: **COASTING PROHIBITED:**

(A) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears or transmission of such vehicle in neutral.

(B) The driver of a truck or bus when traveling upon a down grade shall not coast with the clutch disengaged.<sup>3</sup> (Ord. 80-5, 6-2-80)

9-4-47: **FOLLOWING FIRE APPARATUS PROHIBITED:** The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500') or stop such vehicle within five hundred feet (500') of any fire apparatus stopped in answer to a fire alarm.<sup>4</sup> (Ord. 80-5, 6-2-80)

9-4-48: **CROSSING FIRE HOSE:** No vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the Fire Department officer in command.<sup>5</sup> (Ord. 80-5, 6-2-80)

9-4-49: **DRIVING UPON SIDEWALK:** No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.<sup>6</sup> (Ord. 80-5, 6-2-80)

9-4-50: **PUTTING GLASS, ETC., ON HIGHWAY PROHIBITED:**

(A) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans, or any other substance likely to injure any person, animal or vehicle upon such highway.

(B) Any person who drops or permits to be dropped or thrown, upon any highway any destructive, dangerous, hazardous or injurious material shall immediately remove the same or cause it to be removed.

(C) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.<sup>7</sup> (Ord. 80-5, 6-2-80)

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<sup>1</sup> 625 ILCS 5/11-1407.

<sup>2</sup> 625 ILCS 5/11-1408.

<sup>3</sup> 625 ILCS 5/11-1410.

<sup>4</sup> 625 ILCS 5/11-1411.

<sup>5</sup> 625 ILCS 5/11-1412.

<sup>6</sup> 625 ILCS 5/11-1412.1.

<sup>7</sup> 625 ILCS 5/11-1413.



9-4-51: **TRUCK ROUTES:**

(A) Truck Routes Designated: The movement of all trucks traveling within the Village shall be confined to the following truck routes, except as hereinafter provided:

1. All State Routes.
2. Ashland Street.
3. Broadway Road.
4. Commerce Drive.
5. Courtland Street.
6. Detroit Avenue from Main Street to Jackson Street.
7. West Jefferson Street from Detroit Avenue to the western corporate limits, subject to any applicable ordinances of Tazewell County.
8. North Main Street from Jackson Street to Courtland Street.
9. South Main Street from the I-155 interchange to Detroit Avenue.
10. North Morton Avenue from Jackson Street to Courtland Street.
11. West Queenwood Road from Main Street to the I-155 interchange.
12. Veteran's Road from Courtland Street to West Jackson Street. (Ord. 98-14, 7-20-98; amd. Ord. 99-1, 5-17-99; amd. Ord. 09-19, 8-3-09)

(B) Exceptions:

1. The restrictions set forth herein shall not apply to trucks normally classified as one ton maximum and under, and having not more than two (2) axles.
2. All trucks larger than those specified in Subsection (B)1 of this Section may travel off of truck routes within the Village only for the purpose of making local freight deliveries. Said trucks shall proceed to the delivery point via the shortest direct route and shall return by the same path to the closest truck route.

(C) Penalty: The minimum penalty, including court costs for any violation of this Section, is seventy five dollars (\$75.00) (Ord. 97-31, 11-17-97)

9-4-52: **TOY VEHICLES IN ROADWAY:** It shall be unlawful for any person upon skates, a coaster, a skateboard, sled, miniature automobile, or other toy vehicle to go upon any roadway other than at a crosswalk. (Ord. 80-5, 6-2-80)

9-4-53: **PUBLIC POOL CROSSING:** The driver of a vehicle approaching the marked crosswalk located on Greenwood Street at the entrance to the Morton Park District Pool, shall yield the right of way, slowing down or stopping if need be to so yield, to any pedestrian who has entered the crosswalk or is approaching the crosswalk so closely as to be in danger. (Ord. 93-14, 10-4-93)

9-4-54: **SPEED RESTRICTIONS:** No person shall drive any vehicle upon any public street or highway in the Village at a speed which is greater than:

- (A) That which is reasonable and proper with regard to traffic conditions and the use of the public street or highway, or that endangers the safety of any person or property. The fact that the speed of an automobile does not exceed the applicable maximum speed limit does not relieve the driver of the duty to decrease speed when approaching or crossing an intersection, when approaching or rounding a curve, when approaching a hillcrest, upon any narrow or winding roadway, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as necessary to avoid colliding with any person or vehicle or on entering the public street or highway in compliance with legal requirements and the duty of all persons to use due care.<sup>1</sup>
- (B) The limits posted by the Illinois Department of Transportation on the streets and highways maintained by the Illinois Department of Transportation.
- (C) Fifteen (15) miles per hour on all alleys. (Ord. 89-18, 2-19-90)
- (D) Twenty (20) miles per hour while passing a school zone or while traveling on any thoroughfare on or across which children pass to and from school during school days and when school children are present. This Section shall not be applicable unless appropriate signs are posted on streets and highways under Village jurisdiction. Such signs shall give proper and due warning that a school zone is being approached and shall indicate the school zone and the maximum speed limit in effect during school days when school children are present. Nothing in this Title shall prohibit the use of electronic speed detecting devices within five hundred feet (500') of signs within a special school speed zone indicating such zone, as defined in this Section, nor shall evidence obtained thereby be inadmissible in any prosecution for speeding, providing the use of such devices shall apply only to the enforcement of the speed limit at such special speed zone.<sup>2</sup> In addition to all other streets where this subsection applies, it shall also apply to Illinois Street from Monroe to Jackson Street.
- On any day when children are present and within fifty feet (50') of motorized traffic, a person may not drive a motor vehicle at a speed in excess of twenty (20) miles per hour or any lower posted speed while traveling on a park zone street that has been designated for the posted reduced speed. Idlewood Street is designated as a park zone street between South Fourth Avenue and Parkside Avenue. (Ord. 13-16, 10-7-13)
- (E) Twenty five (25) miles per hour on the following streets or highways:
1. Adams Street from South Plum Avenue to South First Avenue.
  2. Jefferson Street from South Plum Avenue to First Avenue.
  3. Main Street from Jackson Street to West Birchwood Street.
- (F) Thirty (30) miles per hour on all streets or highways within the Village limits, unless a different limit applies pursuant to this Section.
- (G) Thirty five (35) miles per hour on the following streets or highways:
1. West Birchwood Street from South Main Street to Detroit Avenue.

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<sup>1</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-601(A).

<sup>2</sup> For Statute authority, see S.H.A. 625 ILCS 5/11-605.

2. Detroit Avenue from West Jackson Street to a point one thousand five hundred feet (1,500') south of West Jackson Street and from West Birchwood Street to South Main Street.
3. East Jefferson Street from North Oregon Avenue to a point seven hundred fifty feet (750') east of Tennessee Avenue.
4. West Jefferson Street from Bond Street to I-74.
5. West Lakeland Road from North Morton Avenue to Ossami Lake Drive.
6. North Main Street from the TP&W Railroad tracks to North Nebraska Avenue.
7. North Main Street from the Norfolk Southern Railroad tracks to a point five hundred feet (500') south of the northern corporate limits line.
8. South Main Street from Birchwood Street to Jadewood Street.
9. North Morton Avenue from Lakeland Road to Lynnwood Court.
10. East Queenwood Road from South Main Street to a point six hundred feet (600') east of South Second Avenue.
11. West Queenwood Road from South Main Street to a point one thousand feet (1,000') west of South Main Street.
12. Veteran's Road from West Jefferson Street to the northern corporate limits line. (Ord. 04-15, 6-21-04; amd. Ord. 09-01, 5-4-09; amd. Ord. 10-41, 4-25-11, amd. Ord. 11-15, 7-18-11)

(H) Forty (40) miles per hour on the following streets or highways:

1. Courtland Street. (amd. Ord. 11-15, 7-18-11)
2. Detroit Avenue from Detroit Parkway to a point one thousand five hundred feet (1,500') south of West Jackson Street.
3. South Fourth Avenue from East Maywood Street to East Queenwood Road. (amd. Ord. 12-17, 11-5-12)
4. Harding Road from North Main Street to the eastern corporate limits line.
5. South Main Street from Jadewood Street to I-155.
6. North Morton Avenue from I-74 to Lakeland Road.
7. East Queenwood Road from a point six hundred feet (600') east of South Second Avenue to South Fourth Avenue.
8. Tennessee Avenue from a point one thousand three hundred feet (1,300') north of East Jackson Street to a point five hundred feet (500') south of East Jefferson Street. (amd. Ord. 09-01, 5-4-09; amd. Ord. 10-22, 11-15-10; amd. Ord. 10-41, 4-25-11)

(I) Forty five (45) miles per hour on the following streets or highways:

1. Detroit Avenue from West Birchwood Street to Detroit Parkway.
2. East Jefferson Street from a point seven hundred fifty feet (750') east of Tennessee Avenue to the eastern corporate limits line.

3. West Jefferson Street from I-74 to the western corporate limits line.
4. East Lakeland Road from North Morton Avenue to the eastern corporate limits line.
5. North Main Street from North Nebraska Avenue to the Norfolk Southern Railroad tracks.
6. North Main Street from a point five hundred feet (500') south of the northern corporate limits line to said line.
7. East Queenwood Road from South Fourth Avenue to a point one thousand three hundred and twenty feet (1,320') east of South Fourth Avenue.
8. West Queenwood Road from a point one thousand feet (1,000') west of its intersection with South Main Street to a point two thousand three hundred feet (2,300') west of said intersection.
9. Tennessee Avenue from a point one thousand three hundred feet (1,300') north of East Jackson Street to the northern corporate limits line and from a point five hundred feet (500') south of East Jefferson Street to the southern corporate limits line. (amd. Ord. 09-01, 5-4-09; amd. Ord. 10-22, 11-15-10; amd. Ord. 10-41, 4-25-11)

(J) Fifty (50) miles per hour on the following streets or highways:

1. South Fourth Avenue from East Queenwood Road to a point nine hundred feet (900') south of same.
2. That part of Hirstein Road between Cooper Road and Lakeland Road that lies within the Village limits. (Ord. 07-48, 12-17-07)

(K) Fifty five (55) miles per hour on the following street or highways:

1. Broadway Road.
2. South Fourth Avenue from a point nine hundred feet (900') south of East Queenwood Road to Broadway Road.
3. West Queenwood Road west of a point two thousand three hundred feet (2,300') west of the intersection of West Queenwood Road and South Main Street. (Ord. 89-18, 2-19-90; amd. Ord. 90-10, 8-20-90; amd. Ord. 92-16, 9-8-92; amd. Ord. 93-3, 5-17-93; amd. Ord. 96-18, 9-3-96; amd. Ord. 98-29, 12-7-98; amd. Ord. 00-58, 4-16-01; amd. Ord. 01-40, 3-18-02; amd. Ord. 02-43, 5-5-03; amd. Ord. 03-24, 10-20-03; amd. Ord. 05-45, 2-20-06)

9-4-55 **TRANSPORTATION OF CANNABIS, CONTROLLED SUBSTANCE, OR DRUG PARAPHERNALIA PROHIBITED:**

(A) No driver may knowingly transport, carry, possess, or have any cannabis (as defined in Title 6, Chapter 2, Section 3 of the Morton Municipal Code, as may be amended from time to time), controlled substances (as defined in the Illinois Controlled Substances Act, 720 ILCS 570/100 et seq., as that act may be amended from time to time), or drug paraphernalia (as defined in Title 6, Chapter 2, Section 8 of the Morton Municipal Code, as may be amended from time to time), within the passenger area of any motor vehicle upon a public street or public property in the Village of Morton.

(B) Any person violating any provision of this Section shall, upon conviction or plea of guilty, pay a fine of seventy-five dollars (\$75.00). That fine may be paid at the Clerk's office without court appearance. If a person does not pay the fine at the Clerk's office, then he or she, in addition to any fine upon a conviction or plea of guilty, shall be assessed court costs as provided by statute. (Ord. 02-09, 7-15-02)

9-4-56        **NEIGHBORHOOD ELECTRIC VEHICLES:** Neighborhood electric vehicles may be operated on a street where the posted speed limit is thirty miles per hour (30 mph), or less, and on Detroit Avenue from West Jackson Street to a point fifteen hundred feet (1500') south of West Jackson Street and on East Jefferson Street from Oregon Avenue to a point five hundred feet (500') east of Rhode Island Avenue.

A neighborhood electric vehicle shall be as defined by 625 ILCS 5/11-1426.1. sub-section (a) as now in effect or as amended from time to time. (Ord. 05-25, 10-17-05; amd. Ord. 06-34, 12-4-06)

9-4-57        **PROHIBITION OF VEHICLES ON SIDEWALKS:** It shall be unlawful for any person to operate a gas-powered vehicle on any sidewalk. Vehicle shall be defined by 625 ILCS 5/1-217, as now in effect or as may be amended from time to time. Battery-powered vehicles are expressly exempted from this Ordinance. (Ord. 06-30, 11-6-06)

9-4-58        **PROHIBITION OF CERTAIN 3-WHEEL AND 4-WHEEL VEHICLES ON CERTAIN STREETS:** No person shall operate a 3-wheel or 4-wheel vehicle on any street where the speed limit is greater than 30 miles an hour, unless there is a designated bicycle path. In such case the 3-wheel or 4-wheel vehicle may be operated only in the area designated for bicycles. For purposes of this section, a 3-wheel or 4-wheel vehicle is defined as any vehicle with 3 or 4 wheels that is powered by a battery. (Ord. 11-19, 8-1-11; amd. Ord. 11-21, 8-15-11)



CHAPTER 5  
**CONDITION OF VEHICLES**

## SECTION:

- 9-5-1: Unnecessary Noise Prohibited
- 9-5-2: When Lighted Lamps Are Required
- 9-5-3: Signal Lamps And Signal Devices
- 9-5-4: Brakes
- 9-5-5: Restriction As To Tire Equipment
- 9-5-6: Horns And Warning Devices
- 9-5-7: Mufflers, Prevention Of Noise
- 9-5-8: Suspension System
- 9-5-9: Gas And Smoke
- 9-5-10: Nonskid Devices
- 9-5-11: Weight
- 9-5-12: Special Equipment For Persons Riding Motorcycles
- 9-5-13: Required Equipment On Motorcycles

9-5-1: **UNNECESSARY NOISE PROHIBITED:** It shall be unlawful for the operator of any vehicle which is either stopped, standing, parked, or moving to so quickly accelerate such vehicle or to so rapidly shift the gears of his vehicle so as to cause the tires, engine, and/or muffler to create an offensive noise which is unusually loud. (Ord. 80-5, 6-2-80)

9-5-2: **WHEN LIGHTED LAMPS ARE REQUIRED:**

- (A) When upon any highway in this Village, during the period from sunrise to sunset, every motorcycle shall at all times exhibit at least one lighted lamp, showing a white light visible for at least five hundred feet (500') in the direction the motorcycle is proceeding.
- (B) All motor vehicles shall, during the period from sunset to sunrise, or at any other time when visibility is so limited as to require the use of lights for safety, exhibit two (2) lighted driving lamps, except that a motorcycle need exhibit only one such driving lamp, showing white lights, or lights of a yellow or amber tint, visible for at least five hundred feet (500') in the direction the motor vehicle is proceeding. Parking lamps may be used in addition to but not in lieu of any such driving lamps. Every motor vehicle, trailer, or semi-trailer shall also exhibit at least two (2) lighted lamps, commonly known as tail lamps, which shall be mounted on the left rear and right rear of the vehicle so as to throw a red light visible for at least five hundred feet (500') in the reverse direction, except that a motorcycle or a truck tractor or road tractor manufactured before January 1, 1968, need be equipped with only one such lamp.
- (C) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light a rear registration plate when required and render it clearly legible from a distance of fifty feet (50') to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating a rear registration plate, shall be so wired as to be lighted whenever the driving lamps or auxiliary driving lamps are lighted.<sup>1</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-201.

**9-5-3: SIGNAL LAMPS AND SIGNAL DEVICES:**

- (A) Every vehicle other than an antique vehicle displaying an antique plate operated in this Village shall be equipped with a stop lamp or lamps on the rear of the vehicle shall display a red or amber light visible from a distance of not less than five hundred feet (500') to the rear in normal sunlight and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with other rear lamps. During times when lighted lamps are not required, an antique vehicle may be equipped with a stop lamp or lamps on the rear of such vehicle of the same type originally installed by the manufacturer as original equipment and in working order. However, at all other times, such antique vehicle must be equipped with stop lamps meeting the requirements of Title 9, Chapter 5, Section 3 of this Title.
- (B) Every motor vehicle other than an antique vehicle displaying an antique plate shall be equipped with an electric turn signal device which shall indicate the intention of the driver to turn to the right or to the left in the form of flashing lights located at and showing to the front and rear of the vehicle on the side of the vehicle toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit a red or amber light. An antique vehicle shall be equipped with a turn signal device of the same type originally installed by the manufacturer as original equipment and in working order.
- (C) Every trailer and semitrailer shall be equipped with an electric turn signal device which indicates the intention of the driver in the power unit to turn to the right or to the left in the form of flashing red or amber lights located at the rear of the vehicle on the side toward which the turn is to be made and mounted on the same level and as widely spaced laterally as practicable.
- (D) Turn signal lamps must be visible from a distance of not less than three hundred feet (300') in normal sunlight.
- (E) Motorcycles and motor-driven cycles need not be equipped with electric turn signals. Antique vehicles need not be equipped with turn signals unless such were installed by the manufacturer as original equipment.<sup>1</sup>

**9-5-4: BRAKES:**

- (A) Brake equipment required:
1. Every motor vehicle, other than a motor-driven cycle and an antique vehicle displaying an antique plate, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least one wheel on a motorcycle and at least two (2) wheels on all other first division and second division vehicles. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes.
  2. Every motor-driven cycle when operated upon a highway shall be equipped with at least one (1) brake which may be operated by hand or foot.
  3. Every antique vehicle shall be equipped with the brakes of the same type originally installed by the manufacturer as original equipment and in working order.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-208.



4. Every trailer or semitrailer of a gross weight of three thousand (3,000) pounds or more, when operated upon a highway must be equipped with brakes adequate to control the movement of, to stop and to hold such vehicle, and designed so as to be operable by the driver of the towing vehicle from its cab. Such brakes must be so designed and connected that in case of an accidental breakaway of a towed vehicle of five thousand (5,000) pounds or more, the brakes are automatically applied.
5. Every motor vehicle, trailer, pole trailer, or semitrailer, sold in this State or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except any motor-driven cycle, and except that any trailer, pole trailer, or semitrailer of less than three thousand (3,000) pounds gross weight need not be equipped with brakes, and except that any trailer or semitrailer with gross weight of three thousand (3,000) pounds but under five thousand (5,000) pounds need be equipped with brakes on only one wheel on each side of the vehicle. Any motor vehicle and truck tractor having three (3) or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two (2) steerable axles, the wheels of one such axle need not be equipped with brakes. However, a vehicle that is more than thirty (30) years of age and which is driven on the highways only in going to and returning from an antique auto show or for servicing or for a demonstration need be equipped with two (2) wheel brakes only.

(B) Performance ability of brakes:

1. The service brakes upon any motor vehicle or combination of vehicles operating on a level surface shall be adequate to stop such vehicle or vehicles when traveling twenty (20) miles per hour within a distance of thirty feet (30') when upon dry asphalt or concrete pavement surface free from loose material.
2. Under the above conditions, the hand brake shall be adequate to stop such vehicle or vehicles, except any motorcycle, within a distance of fifty five feet (55') and the hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.
3. Under the above conditions, the service brakes upon an antique vehicle shall be adequate to stop the vehicle within a distance of forty feet (40') and the hand brake adequate to stop the vehicle within a distance of fifty five feet (55').
4. All braking distance specified in this Section apply to all vehicles mentioned, whether such vehicles are unloaded or are loaded to the maximum capacity permitted under this Code.
5. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.
6. Brake assembly requirements for mobile homes shall be the standards required by the United States Department of Housing and Urban Development adopted under Title VI of the "Housing and Community Development Act of 1974," as now.<sup>1</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-301.

9-5-5: **RESTRICTION AS TO TIRE EQUIPMENT:** No metal tired vehicle, including tractors, motor vehicles of the second division, traction engines, and other similar vehicles, shall be operated over any improved highway of this Village, if such vehicle has on the periphery of any of the road wheels any block, stud, flange, cleat, ridge, lug, or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire. This prohibition does not apply to pneumatic tires with metal studs until April 1, 1976, and thereafter this prohibition shall not apply to pneumatic tires with metal studs used on vehicles operated by rural letter carriers who are employed or enjoy a contract with the United States Postal Service for the purpose of delivering mail if such vehicle is actually used for such purpose during operations between November 15 of any year and April 1 of the following year or to tract type motor vehicles when that part of the vehicle coming in contact with the road surface does not contain any projections of any kind likely to injure the surface of the road; however, tractors, traction engines, and similar vehicles may be operated which have upon their road wheels V-shaped, diagonal, or other cleats arranged in such a manner as to be continuously in contact with the road surface, provided that the gross weight upon such wheels per inch of width of such cleats in contact with the road surface, when measured in the direction of the axle of the vehicle does not exceed eight hundred (800) pounds. Studded tires may be used between November 15 of any year and April 1 of the following year until April 1, 1976, and only on single tire vehicles with a rated capacity of not more than ten thousand (10,000) pounds gross vehicle weight on which there are wheelwells or other items of a similarly protective nature, whether permanently or temporarily attached thereto.

All motor vehicles and all other vehicles in tow thereof, or thereunto attached, operating upon any roadway, shall have tires of rubber or some material of equal resiliency. Solid tires shall be considered defective and shall not be permitted to be used if the rubber or other material has been worn or otherwise reduced to a thickness of less than three-fourths inch (3/4") or if such tires have been so worn or otherwise damaged as to cause undue vibration when the vehicle is in motion or to cause undue concentration of the wheel load on the surface of the road. The requirements of this Section do not apply to agricultural tractors or traction engines or to agricultural machinery, including wagons being used for agricultural purposes in tow thereof, or to road rollers or road building machinery operated at a speed not in excess of ten (10) miles per hour. All motor vehicles of the second division, operating upon any roadway shall have pneumatic tires, unless exempted herein.

Nothing in this Section shall be deemed to prohibit the use of tire chains of reasonable proportion upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.<sup>1</sup>

9-5-6: **HORNS AND WARNING DEVICES:**

- (A) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'), but no horn or other warning device shall emit an unreasonable loud or harsh sound or a whistle, the driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn but shall not otherwise use such horn when upon a highway.
- (B) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subsection. Any authorized emergency vehicle as defined in Title 9, Chapter 2 of this Code may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet (500') but such siren, whistle, or bell, shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in either of which events the driver of such vehicle shall sound such siren, whistle, or bell, when necessary to warn pedestrians and other drivers of the approach thereof.<sup>2</sup>

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-401.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-601.

9-5-7: **MUFFLERS, PREVENTION OF NOISE:** Every motor vehicle driven or operated upon the streets of this Village shall at all times be equipped with an adequate muffler or exhaust system in constant operation and properly maintained to prevent any excessive or unusual noise. No such muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise of such vehicle above that emitted by the muffler originally installed on the vehicle, and such original muffler shall comply with all the requirements of this Section.<sup>1</sup>

For the purposes of this Section, the muffler is defined as every device consisting of a series of chambers or baffle plates or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine or turbine wheels for the purpose of receiving exhaust gas from a diesel engine, both of which are effective in reducing noise.<sup>2</sup>

9-5-8: **SUSPENSION SYSTEM:**

(A) It shall be unlawful to operate a motor vehicle on any street of this Village when the suspension system has been modified from the original manufactured design by lifting the body from the chassis in excess of three inches (3") or to cause the horizontal line from the front to the rear bumper to vary over three inches (3") in height when measured from a level surface of the highway to the lower edge of the bumper.

(B) Nothing in this Section shall prevent the installation of manufactured heavy duty equipment to include shock absorbers and overload springs, nor shall anything contained in this Section prevent a person to operate a motor vehicle on any street of this Village with normal wear of the suspension system if normal wear does not affect the control or safe operation of the vehicle. This Section shall not apply to motor vehicles designed or modified primarily for off-highway racing purposes while such vehicles are in tow or to motorcycles or motor driven cycles.<sup>3</sup>

For the purposes of this Section, the suspension system is defined as the system of devices consisting of but not limited to: springs, spring shackles, shock absorbers, torsion bars, frame, or any other supporting members used to attach the body of a motor vehicle to its axles.<sup>4</sup>

9-5-9: **GAS AND SMOKE:** It shall be unlawful to operate any vehicle which emits dense clouds of gas or smoke or such an amount of smoke or fumes as to be dangerous to the health of persons or as to endanger the drivers of other vehicles.

9-5-10: **NON-SKID DEVICES:** No farm tractor, tractor engine, motor truck or other similar vehicle shall be operated across, over, or along any improved or oil-treated street if any such vehicle has on the periphery of any of the road wheels any block, stud, flange, cleat, ridge, lug, or any projection of metal or wood which projects radially beyond the thread or traffic surface of the road wheel, except that this prohibition shall not apply to tractors or traction engines equipped with what is known as "crawler-type" tractor, when the same does not contain any projection of any kind likely to injure the surface of the first, or to tractors, traction engines, and similar vehicles which have upon their road wheels V-shaped diagonal or other cleats arranged in such manner as to be continuously in contact with the roadway surface. In no event shall the oil mat surface of any oil-treated street be used as an area or space for turning any farm tractor or other farm machinery in carrying on or performing any farming operations upon the adjacent land.

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-602.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-600.

<sup>3</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-607.

<sup>4</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 12-600.

9-5-11: **WEIGHT:** It shall be unlawful to drive on any street, any motor vehicle with projecting loads, width or weight, including the weight of the load in excess of that permitted by the State Traffic Law for driving on improved highways, or with weight distributed in a manner not conforming to such law. It shall be unlawful to drive on any oil-treated street, any motor vehicle with a weight, including the weight of the load, in excess of ten (10) short tons.

9-5-12: **SPECIAL EQUIPMENT FOR PERSONS RIDING MOTORCYCLES:** The operator of a motorcycle, and every passenger thereon shall be protected by glasses, goggles, or a transparent shield. The Department of Transportation of the State of Illinois shall determine the standards for this equipment. These standards shall establish requirements based upon those set forth in Vehicle Equipment Safety Commission Regulation VESC-8, "Minimum Requirements for Motorcyclists' Eye Protection".<sup>1</sup> (Ord. 80-5, 6-2-80)

9-5-13: **REQUIRED EQUIPMENT OF MOTORCYCLES:**

(A) No person shall operate any motorcycle with handlebars higher than the height of the shoulders of the operator when seated in the normal driving position astride that portion of the seat or saddle occupied by the operator.

(B) Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with permanent handgrips on the seat or saddle carrying such passenger, and with footrests adjusted to fit such passenger.<sup>2</sup> (Ord. 80-5, 6-2-80)

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<sup>1</sup> 625 ILCS 5/11-1404.

<sup>2</sup> 625 ILCS 5/11-1405.

## CHAPTER 6

**PARKING**

## SECTION:

- 9-6-1: Stopping, Standing, Or Parking Prohibited In Specified Places
- 9-6-2: No-Parking Areas; Times Designated
- 9-6-3: Limited Parking Areas; Times Designated
- 9-6-4: Reserved
- 9-6-5: Parking At Curb
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- 9-6-12: Parking Violations
- 9-6-13: Twenty Four Hour Limit
- 9-6-14: Handicapped Persons, Parking Privileges
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- 9-6-17: Removal Of Unauthorized Vehicles
- 9-6-18: Handicapped Parking Violation, Penalty
- 9-6-19: Parking Prohibited On Unpaved Surfaces
- 9-6-20: Parking Of Trucks, Semi Trailers, Trailers, Pole Trailers, And Recreational Vehicles

9-6-1: **STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES:**

(A) Except when necessary to avoid conflict with other traffic, or in compliance with law or directions of a police officer or official traffic control device, no person shall:

## 1. Stop, stand, or park a vehicle:

- (a) On the roadway side of any vehicle stopped or parked on the edge of a street;
- (b) On a sidewalk;
- (c) Within an intersection;
- (d) On a crosswalk;
- (e) Between a safety zone and adjacent curb or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;
- (f) Alongside or opposite any street excavation or construction when stopping, standing, or parking would obstruct traffic;
- (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (h) On any railroad tracks;

- (i) At any place where official signs prohibit stopping;
  - (j) On any controlled access highway;
  - (k) In the area between roadways and divided highways, including crossovers.
2. Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge passengers:
- (a) In front of a public or private driveway;
  - (b) Within fifteen feet (15') of a fire hydrant;
  - (c) Within twenty feet (20') of a crosswalk and an intersection;
  - (d) Within thirty feet (30') upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of a roadway;
  - (e) Within twenty feet (20') of a driveway entrance to any fire station and on the side of a street opposite the entrance of a fire station, within seventy five feet (75') of such entrance (where properly sign-posted);
  - (f) At any place where official signs prohibit standing.
3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading property or passengers:
- (a) Within fifty feet (50') of the nearest rail of a railroad crossing;
  - (b) At any place where official signs or markings prohibit parking.

(B) It shall be unlawful for any person to move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful. (Ord. 80-5, 6-2-80)

(C) The Chief of Police is authorized to extend all no parking areas as provided in this Chapter, up to a maximum of twenty-five feet (25') feet. (Ord. 04-23, 9-6-05)

9-6-2: **NO-PARKING AREAS; TIMES DESIGNATED:** Unless otherwise stated below, there shall be no parking at any time upon the streets set forth as follows:

	<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
(A)	E. Adams St.	North side South side South side	From S. Third to 360' west of S.Third. From S. First to 50' east of S. First. From 50' east of S. First to S. Third, between 8:00 A.M. and 4:00 P.M. on school days.
(B)	W. Adams St.	North side South side	From S. Pershing to 250' east of S. Pershing. From S. Pershing to 50' east of S. Pershing.
(C)	Alexander St.	North side South side	From N. Morton Ave. to 250' west of N. Morton Ave. From N. Morton Ave. to McArthur.
(D)	Ashland Ct.	Both sides	
(E)	E. Ashland St.	Both sides	
(F)	W. Ashland St.	Both sides	

	<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          West 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). 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.

<u>Thoroughfare</u>	<u>Side</u>	<u>Extent</u>
7. E. Crestwood St.	Both sides	From S. Nebraska to 100' west of S. Nebraska between 8:00 A.M. and 4:00 P.M. on school days.

(Ord. 89-21, 4-2-90; Ord. 90-17, 9-4-90; amd. Ord. 92-20, 10-5-92; Ord. 93-28, 3-7-94; amd. Ord. 03-03, 7-7-03; amd. Ord. 04-18, 7-6-04; amd. Ord. 10-06, 6-7-10; amd. Ord. 14-16, 7-21-14)

9-6-5: **PARKING AT CURB:** No vehicle shall be parked with the left side of such vehicle at the curb, and it shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two (2) right wheels of the vehicle within twelve inches (12") of the regularly established curb line. (1944 Code, Sec. 362)

9-6-6: **PARKING VEHICLES FOR SALE:** It shall be unlawful to park any vehicle upon any Street for the purpose of displaying it for sale, or to park any vehicle upon any street from which vehicle merchandise is peddled or sold. (1944 Code, Sec. 363)

9-6-7: **REPAIRING OR RACING MOTOR:** No person shall adjust or repair any motor vehicle or race the motor of same while standing on the street or alley excepting in case of a breakdown, or other emergency requiring same. (1944 Code, Sec. 364)

9-6-8: **RIGHT OF WAY:** The driver of a parked vehicle about to start shall give moving vehicles the right of way and the driver of the parked vehicle shall give a timely and visible warning in some unmistakable manner before starting. (1944 Code, Sec. 365)

9-6-9: **LOADING/UNLOADING ZONE/NO PARKING OF TRAILERS/TRUCK TRACTORS:**

(A) It shall be unlawful for the driver of a vehicle to park a passenger vehicle for longer than it is necessary to load or unload passengers, and in no event for more than three (3) minutes in any public alley or street, except where parking is otherwise allowed, and in such case, the vehicle may not be parked longer than the permitted time.

(B) It shall be unlawful for the driver to stand any freight-carrying vehicle for a period of time longer than is necessary to load, unload, and deliver materials or freight, but in no event for more than thirty (30) minutes in any public alley or street.

(C) It shall be unlawful to stand any freight-carrying vehicle in any public street or alley or other public way for the purpose of transferring freight or livestock from one vehicle to another. (Ord. 96-2, 5-20-96)

(D) No semitrailer which is not connected to a truck tractor may be parked on any street or in any public right of way or in any public parking lot. A "semitrailer" is defined as every vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. Any person violating this Section shall be subject to a fine of twenty five dollars (\$25.00), if paid within seven (7) days of the date of the violation. Said payment shall be made at the police station. In the event payment is not made within said period, the amount of the fine shall be one hundred dollars (\$100.00), and in such case, the Police Department shall file a violation with the Tazewell County Circuit Court. (Ord. 97-31, 11-17-97)

(E) No truck tractors (semi-tractors) as defined in 625 ILCS 5/1-212, and no trucks with tandem axles as defined in 625 ILCS 5/11-204.3, as now in effect or as may be amended from time to time, may be parked on any Village street, other than a truck route where parking is permitted. Truck tractors may be parked when loading or unloading subject to the provisions of paragraph (B) in this section. (Ord. 10-03, 6-7-10)

9-6-10: **TOWING VEHICLES AWAY:** The Police Department and all members thereof are hereby authorized to remove and tow away or have removed and towed away any vehicle which has been parked in violation of this Chapter. Such vehicles shall be restored to their owners only after payment of the expense incurred in removing, towing, and/or storage. (Ord. 460, 10-7-68)

9-6-11: **PRIMA FACIE PROOF:** The fact that a vehicle which is illegally operated or parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation. (Ord. 460, 10-7-68)

9-6-12: **PARKING VIOLATIONS:** Except for violations of 9-6-9 (E), any person accused of a violation of any provision of this Code prohibiting parking a vehicle in a designated area or restricting the length of time a vehicle may be there parked may settle and compromise the claim by paying to the Village the sum of ten dollars (\$10.00), if paid within seven (7) days of the date of said violation, and, if not paid, then the sum of twenty dollars (\$20.00), if paid within fourteen (14) days of the date of said violation. Otherwise, the penalty in Section 1-4-1 of this Code shall apply. Such payments shall be made at the police station and the money paid shall be promptly turned over to the Treasurer. The members of the Police Department are directed to refrain from instituting prosecution for such violations where the above amounts are paid, and, where not so paid, until the expiration of fourteen (14) days from the date of such violation.

For violations of 9-6-9(E), the matter may be settled by paying Fifty Dollars (\$50.00) within 14 days of the violation at the police station. Otherwise the penalty in Section 1-4-1 of this code shall apply and an action in court may be filed. (Ord. 80-5, 6-2-80; amd. (Ord. 90-5, 7-2-90; amd. Ord. 01-09, 7-16-01; amd. Ord. 10-03, 6-7-10)

9-6-13: **TWENTY FOUR HOUR LIMIT:** It shall be unlawful to permit any vehicle to stand upon any street, highway, or parking lot within the Village limits for more than twenty four (24) hours at any one time. It shall not be a defense that the owner or possessor of such a vehicle has moved any such vehicle, unless such owner or possessor has moved such vehicle a distance greater than one hundred fifty feet (150'). (Ord. 80-34, 1-5-81)

9-6-14: **HANDICAPPED PERSONS, PARKING PRIVILEGES:** A motor vehicle bearing an identification card specified in this Chapter is exempt from any ordinance imposing time limitations on parking in a business district; but otherwise is subject to all other laws and ordinances of the Village. Any motor vehicle bearing such an identification card may park, in addition to any other lawful place, in any parking place specifically reserved by posting of an official sign for such vehicles. Parking privileges granted by this Section are strictly limited to the person to whom the special identification card was issued and to qualified operators acting under his express direction while the disabled person is present.

No person shall use any area for the parking of any motor vehicle pursuant to this Section or where an official sign controlling such area expressly prohibits parking at any time or during certain hours. (Ord. 80-47, 4-6-81)

9-6-15: **PARKING OF VEHICLE WITH EXPIRED REGISTRATION:** No person may stop, park, or leave standing upon a public street, highway, or roadway a vehicle upon which is displayed an Illinois registration plate or plates or registration sticker after the termination of the registration period for which the registration plate or plates or registration sticker was issued or after the expiration date set under 625 ILCS 5/3-414 and 625 ILCS 5/3-414.1.

Any person accused of violating this Section may settle and compromise the claim by paying to the Village the sum of ten dollars (\$10.00), paid within seven (7) days of the date of the violation, and if not paid, then the sum of twenty dollars (\$20.00) if paid within (14) days of the date of the violation. If not then paid, then the penalty shall be twenty-five dollars (\$25.00). Payments within the fourteen (14) days shall be made at the police station and the money paid shall be promptly turned over to the Treasurer. (Ord. 99-31, 11-1-99; amd. Ord. 01-09, 7-16-01)

9-6-16: **HANDICAPPED PARKING PLACES, UNAUTHORIZED USE OF:** It shall be prohibited to park any motor vehicle which is not bearing registration plates or decals issued to a person with disabilities, as defined by Section 1-159.1, pursuant to Sections 3-616, 11-130.1 or 11-1301.2, or to a disabled veteran pursuant to Section 3-609 of this Act, as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran, in any parking place, including any private or public off-street parking facility, specifically reserved, by the posting of an official sign as designated under Section 11-301, for motor vehicles bearing such registration plates. (References to "the Section" and "the Act" are to the Illinois Vehicle Code.) (Ord. 97-26, 9-15-97)

9-6-17: **REMOVAL OF UNAUTHORIZED VEHICLES:** When any police officer of the Village finds a vehicle in violation of any of the provisions of Section 9-6-16 of this Chapter, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the vehicle. (Ord. 80-47, 4-6-81)

9-6-18: **HANDICAPPED PARKING VIOLATION, PENALTY:** Any person violating the provisions of Section 9-6-16 of this Chapter shall, upon conviction, be fined the sum of three hundred fifty dollars (\$350.00). In addition to said fine, any person violating the provisions of Section 9-6-16 of this Chapter shall pay any costs or charges connected with the removal or storage of any motor vehicle as a result of the removal of same pursuant to Section 9-6-17 of this Chapter. (Ord. 84-18, 2-18-85; amd. Ord. 95-34, 2-5-96; amd. Ord. 05-42, 2-6-06)

9-6-19: **PARKING PROHIBITED ON UNPAVED SURFACES:** Motor vehicles, trailers, boats, boat trailers, recreational vehicles and the like must be parked on an all weather, durable and dustless, asphaltic, interlocking, concrete, paver, brick, or cement pavement surface except in the following circumstances:

(A) During the time that a declaration has been made for snow removal pursuant to Title 9, Chapter 13. (amd. Ord. 99-46, 2-21-00; amd. Ord. 17-23, 11-6-17)

9-6-20: **PARKING OF TRUCKS, SEMI TRAILERS, TRAILERS, POLE TRAILERS AND RECREATIONAL VEHICLES:**

(A) Parking of Semitrailers, Pole Trailers, Tow Trucks, Tractors and Truck Tractors: It shall be unlawful for any person, firm or corporation to park any semitrailer, pole trailer, tow truck, tractor or truck tractor, whether connected to a vehicle or not, on any public street or highway within the Village or Morton, or on any lot zoned in a residential district in the Village of Morton, except as otherwise specifically permitted in this Code.

(B) Parking of Recreational Vehicle or Boat Trailer: It shall be unlawful for any person, firm, or corporation to park any recreational vehicle or boat trailer on any public street or highway within the Village of Morton from 10:00 pm until 6:00 am, or at any time on a lot zoned in a residential zoning district in the Village of Morton in a method or manner in which such trailer or vehicle projects beyond the front of the residence or garage, except as follows:

1. It shall be lawful for a person, firm, or corporation to park no more than one (1) recreational vehicle or boat trailer on a lot zoned in the residential zoning district projecting beyond the front of the residence or garage for no longer a period than is necessary for the reasonably expeditious loading or unloading of such trailer or vehicle, and in no event for a period to exceed seventy-two (72) consecutive hours.

2. It shall be lawful for a person, firm, or corporation to park no more than one (1) recreational vehicle or boat trailer which cannot lawfully be parked on the driveway of the residence on any public street or highway immediately abutting to the residential property of the owner of the recreational vehicle or boat owner for a period not longer than is necessary for the reasonably expeditious loading or unloading of such vehicles, and in no event for a period to exceed seventy-two (72) consecutive hours, so long as a traffic safety cone not shorter than eighteen (18) inches in height containing retroreflective markings is placed behind and in front of the trailer or vehicle to alert motorists to the presence of the parked trailer.
3. Notwithstanding any other provision of this section no recreational vehicle or boat trailer may be parked on any curve or street corner.
4. The total days in which a recreational vehicle or boat trailer may be lawfully parked on any public street or on a lot in the residential district in a manner which projects beyond the front of the residence or garage shall not exceed eight (8) days per calendar month.

(C) Parking of Trailers: It shall be unlawful for any person, firm, or corporation to park any trailer, whether connected to a vehicle or not, on any public street or highway within the Village of Morton from 10:00 pm until 6:00 am, or at any time on a lot zoned in a residential zoning district in the Village of Morton in a method or manner in which such trailer projects beyond the front of the residence or garage, except as follows:

1. It shall be lawful for a person, firm, or corporation to park no more than one (1) trailer on a lot in the residential zoning district in a method or manner that projects beyond the front of the residence or garage in conjunction with the performance of a service or delivery for the benefit of the lot or the owners or occupants of said lot, for so long as may be reasonably necessary for the expeditious performance of the service or delivery.
2. It shall be lawful for a person, firm, or corporation to park no more than one (1) trailer in the residential zoning district on a residential lot in a method or manner that projects beyond the front of the residence or garage on a temporary basis not to exceed 36 total hours in any seven calendar days, regardless of whether such hours are consecutive.
3. No trailer used for the transportation of flammable liquids, explosives, toxic or noxious materials shall be parked or stored in a residential district in any capacity.

(Ord. 17-06, 7-17-17)



## CHAPTER 7

**DRIVERS**

## SECTION:

- 9-7-1: Age Limit  
9-7-2: Accidents

9-7-1: **AGE LIMIT:** It shall be unlawful for any person under fifteen (15) years of age to operate any motor vehicle upon the streets of the Village, and it shall likewise be unlawful for any person to permit any one under such age limit to so operate a motor vehicle, unless such person fifteen (15) years or older is properly licensed to drive.<sup>1</sup> (1944 Code, Sec. 367; amd. 1970 Code)

9-7-2: **ACCIDENTS:** It shall be unlawful for the driver of a vehicle which has collided with any vehicle, person, or property, in such manner as to cause injury or damage, to fail or refuse to stop immediately, to render such assistance as may be possible, to give his true name and residence to the injured person or the owner of the property damaged, and to a policeman, if one is present. A report of each such accident shall be given by the driver of each vehicle concerned in it to the Chief of Police within twenty four (24) hours after the accident.<sup>2</sup> (1944 Code, Sec. 369; renumbered Ord. 80-5, 6-2-80)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2 Sec. 6A-103, 6A-111.

<sup>2</sup> For Statute authority, see S.H.A. Ch. 95 1/2 Sec. 133 et seq.



## CHAPTER 8

**BICYCLES**

## SECTION:

- 9-8-1: Traffic Laws Apply
- 9-8-2: License Sticker Required
- 9-8-3: License Application
- 9-8-4: Issuance Of Licenses
- 9-8-5: Display Of License Plate
- 9-8-6: Transfer Of Ownership
- 9-8-7: Inspection
- 9-8-8: Equipment
- 9-8-9: Operation Of Bicycle
- 9-8-10: Penalty

9-8-1: **TRAFFIC LAWS APPLY:** Every person riding a bicycle upon a public way shall be subject to the provisions of all the traffic provisions of this Code which are applicable to the driver of a vehicle, except as to special regulations provided in this Chapter.<sup>1</sup> (Ord. 29, 1-5-48)

9-8-2: **LICENSE STICKER REQUIRED:** No resident owner of a bicycle shall ride or otherwise propel such bicycle or permit to be ridden or propelled by another, any bicycle owned by him on any street or public way in the Village, unless such bicycle has been provided with the proper license sticker as required hereunder.

9-8-3: **LICENSE APPLICATION:** Application for a license to own and operate a bicycle shall be made to the Chief of Police upon a form to be provided by said Chief of Police. The application shall be accompanied by a fee of one dollar (\$1.00) to be paid at the time of the issuance of a license; which fee shall be in full payment of said license for the then even numbered and succeeding odd numbered years (i.e. 1974 and 1975, 1976 and 1977 etc.). No credit shall be allowed any applicant for the expired portion of the said two (2) year period.

9-8-4: **ISSUANCE OF LICENSES:** The Chief of Police shall have authority to issue, upon written application and payment of license fee as above provided, bicycle licenses which will be effective for such two (2) year periods. The licenses shall be effective as of January 1 of the even numbered year issued and shall expire at the end of the succeeding odd numbered year. The Chief of Police shall register all licenses issued and shall keep records of all fees collected for the issuance of such licenses, said record shall be in all instances open to public inspection. All license fees collected by the Chief of Police shall be turned over to the Treasurer and deposited in the General Fund of the Village. (Ord. 599, 8-20-73)

9-8-5: **DISPLAY OF LICENSE PLATE:** The license issued as herein above provided shall be, at all times, firmly attached to the bicycle for which it was issued at a place most readily visible from the rear of the bicycle. (Ord. 599, 8-20-73)

9-8-6: **TRANSFER OF OWNERSHIP:** Upon the sale or transfer of a licensed bicycle, the licensee shall remove and surrender to the Chief of Police the attached license sticker or have such sticker reassigned or a new sticker issued in its stead by the Chief of Police without charge, to another bicycle owned by said licensee. (Ord. 599, 8-20-73)

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<sup>1</sup> For Statute authority, see S.H.A. Ch. 95 1/2, Sec. 11-1502.

9-8-7: **INSPECTION:** The Chief of Police shall inspect each bicycle presented to him for licensing whether for original licensing, renewal of license, or reassignment of license sticker for an such bicycle found to have inadequate lights or being in unsafe mechanical condition or lacking any of the equipment hereinafter set forth. (Ord. 599, 8-20-73)

9-8-8: **EQUIPMENT:**

- (A) Every bicycle shall be equipped with a brake adequate to control the movement of and to stop such bicycle under all circumstances.
- (B) Every bicycle shall be equipped with a lamp on the front which will produce a white light visible at least five hundred feet (500') to the front of the bicycle, and with a red light or red reflector on the rear of said bicycle. Every such reflector shall be designed and maintained so as to be visible at night at least one hundred feet (100') from the rear of such bicycle when in front of a motor vehicle displaying lighted headlamps. (Ord. 29, 1-5-48)

9-8-9: **OPERATION OF BICYCLE:**

- (A) **Riding On Bicycle:** A person propelling a bicycle shall not ride other than upon or astride the permanent seat attached thereto, nor carry another person upon such bicycle other than upon a firmly attached and regular seat thereon, provided that the location of such extra seat, when occupied by a passenger, shall not obstruct the vision of the person operating the bicycle.
- (B) **Right Of Way On Sidewalks:** A person propelling a bicycle upon any sidewalk shall, under all conditions and circumstances, give right of way to pedestrians.
- (C) **Speed Of Bicycles:** No person riding a bicycle shall ride faster than is reasonable and proper in regard to the safety of the rider and others upon the public way.
- (D) **Clinging To Vehicles:** Any person riding upon a bicycle shall not attach the same or himself or cling to any moving vehicle upon any public way.
- (E) **Riding In A Group:** Persons riding bicycles upon any roadway shall not ride more than two (2) abreast at any time.
- (F) **Carrying Articles:** No person riding a bicycle shall carry any package or bundle which prevents him from keeping both hands upon the handlebars or which obstructs his vision.
- (G) **Parking Bicycles:** No person shall park a bicycle upon a roadway. Bicycles parked in an alley or on a sidewalk must be in such a position as not to interfere with the safety or movement of traffic or pedestrians.
- (H) **Riding At Night:** No person shall ride or otherwise propel a bicycle upon any public way at night without the light and reflector equipment hereinabove provided and without the light illuminated.
- (I) **Trick Riding:** No rider of a bicycle shall remove both hands from the handlebars or both feet from the pedals or practice any acrobatic or trick riding at anytime. (Ord. 29, 1-5-48)

9-8-10: **PENALTIES:** Any person riding a bicycle upon a public way who violates any of the provisions of this Title and Chapter, or of Title 9, Chapter 4 of this Code, or any applicable State statutes shall be issued a ticket as being in violation of this Title, Chapter, and the Section as applicable thereto or the chapter and section of the Illinois Compiled Statutes<sup>1</sup> as applicable thereto. (Ord. 86-2, 5-19-86)

A person who violates any of the provisions of this Chapter shall be ticketed as follows:

- (A) Five dollars (\$5.00) for the first offense;
- (B) Ten dollars (\$10.00) for the second offense;
- (C) Seventy five dollars (\$75.00) for each subsequent offense.

All tickets shall be paid within fourteen (14) days of the date of said ticket.

In the event said person fails to make payment as provided above, then the Police Department shall institute formal court proceedings; and the person shall be subject to an additional penalty of fifty dollars (\$50.00) plus any court costs that may be assessed. (Ord. 96-27, 10-21-96)

The aforesaid payments shall be made at the Morton Police Station, 131 South Plum Street, Morton, Illinois.

The members of the Police Department are directed to refrain from instituting prosecution of such violation where the above amounts are paid and, where not so paid, until the expiration of fourteen (14) days from the date of such violation. (Ord. 86-2, 5-19-86)

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<sup>1</sup> S.H.A. 625 ILCS 5/11-1501.



## CHAPTER 9

**THROUGH; ONE-WAY STREETS**

## SECTION:

- 9-9-1: Through Streets  
 9-9-2: One-Way Streets  
 9-9-3: Turns Prohibited

9-9-1: **THROUGH STREETS:** There are hereby designated through streets in the Village. No person shall drive any vehicle onto or across such streets without first having stopped such vehicle before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point nearest the intersecting through street where the driver has a view of approaching traffic on the intersecting through street, unless a go signal is given by a traffic control signal or a police officer. Where a traffic signal is located on a through street, said signal shall control traffic movement at the intersection. Such through streets are as follows:

- (A) W. Adams St. shall be a through street at S. Plum Ave.
- (B) Birchwood St. shall be a through street, except at S. Fourth Ave.
- (C) Bond St. shall be a through street at McArthur Ave. (amd. Ord. 02-23, 12-2-03)
- (D) Brentwood Rd. shall be a through street, except at the following locations: (Ord. 99-22, 9-20-99)
1. E. Fernwood St. and Illinois Ave.
  2. E. Idlewood St.
- (E) Broadway Rd. shall be a through street at S. Fourth Ave.
- (F) Courtland shall be a through street, except at the following locations:
1. N. Main St.
  2. N. Morton Ave.
- (G) Detroit Ave. shall be a through street, except at S. Main St. (four-way stop).
- (H) E. Fernwood St. shall be a through street, except at the following locations:
1. S. First Ave.
  2. S. Fourth Ave.
  3. S. Main St.

- (I) First Ave. shall be a through street between E. Jackson St. and E. Greenwood St., except at the following locations:
1. E. Birchwood St.
  2. E. Greenwood St.
  3. E. Jackson St.
  4. E. Jefferson St.
- (J) S. Fourth Ave. shall be a through street, except at the following locations:
1. Broadway Rd.
  2. E. Jefferson St.
  3. E. Queenwood Rd. (four-way stop).
  4. E. Washington St. (four-way stop).
- (K) E. Greenwood St. shall be a through street between S. Main St. and Brentwood Rd., except at the following locations:
1. Brentwood Rd.
  2. S. Fourth Ave.
  3. S. Main St.
- (L) E. Idlewood St. shall be a through street, except at the following locations:
1. S. Fourth Ave.
  2. S. Main St. (four-way stop).
- (M) Illinois Ave. shall be a through street between Brentwood Rd. and E. Jackson St., except at the following locations:
1. E. Jackson St.
  2. E. Jefferson St.
- (N) N. Indiana Ave. shall be a through street at E. Monroe St.
- (O) Jackson St. shall be a through street, except at N. Main St. (four-way stop).
- (P) Jefferson St. shall be a through street.
- (Q) N. Kansas shall be a through street at the following locations: (Ord. 07-33, 9-17-07)
1. E. Harrison St.
  2. E. Tyler St.



- (R) Main St. shall be a through street, except at the following locations:
1. Idlewood St. and Detroit Ave. (four-way stop).
  2. Jackson St. (four-way stop).
  3. Queenwood Rd. (four-way stop). (amd. Ord. 00-01, 5-1-00)
- (S) S. Minnesota Ave. shall be a through street at Sunset Rd.
- (T) Missouri Ave. shall be a through street, except at the following locations:
1. E. Jackson St.
  2. E. Jefferson St.
  3. E. Polk St.
  4. Sunset Rd.
- (U) E. Monroe St. shall be a through street, except at the following locations:
1. N. First Ave.
  2. N. Third Ave. (three-way stop).
  3. N. Illinois Ave.
  4. N. Indiana Ave.
  5. N. Missouri Ave.
  6. N. Nebraska Ave.
- (V) N. Morton Ave. shall be a through street, except at W. Jefferson St.
- (W) Nebraska Ave. shall be a through street, except at the following locations:
1. E. Idlewood St.
  2. E. Jackson St.
  3. E. Jefferson St.
  4. N. Main St.
- (X) Northbound Ossami Lake Dr. shall be a through street at Stoneway Dr.
- (Y) Northshore Dr. shall be a through street at Lakeview Dr.
- (Z) Pershing St. shall be a through street at Bauman Ave.
- (AA) S. Plum Ave. shall be a through street at W. Washington St.

- (BB) E. Polk St. shall be a through street at the following locations:
1. N. Kansas Ave.
  2. N. Minnesota Ave.
  3. N. Missouri Ave.
  4. Pierce St.
- (CC) Queenwood Rd. shall be a through street, except at the following locations:
1. S. Fourth Ave. (four-way stop).
  2. S. Main St. (four-way stop).
- (DD) S. Second Ave. shall be a through street at E. Maywood St.
- (EE) Stoneway Dr. shall be a through street, except at Veteran's Road.
- (FF) Sunset Rd. shall be a through street, except at the following locations:
1. S. Illinois Ave.
  2. S. Minnesota Ave.
- (GG) N. Third Ave. shall be a through street at the following locations:
1. Behrends Ct.
  2. E. Harrison St.
  3. E. Madison St.
  4. E. Polk.
  5. E. Tyler.
- (HH) Thornridge Dr. shall be a through street at Garnet Dr.
- (II) Veteran's Road shall be a through street, except at Jefferson St.
- (JJ) E. Washington St. shall be a through street at Clifton Ave.
- (KK) A four-way stop shall be located at the following intersections:
1. E. Edgewood St. and Lee Ave.
  2. S. Fourth Ave. and E. Queenwood Rd.
  3. S. Fourth Ave. and E. Washington St.
  4. N. Main St. and Jackson St.
  5. S. Main St. and Detroit Ave. / E. Idlewood St.
  6. S. Main St. and Queenwood Rd.

## 7. Nelson Ave. and W. Wick St.

(LL) A three-way stop shall be located at the intersection of N. Third Ave. and E. Monroe St.

A person required to stop as above shall yield the right-of-way to any vehicle which has entered the intersection from the through street, or which is approaching so closely as to constitute an immediate hazard. (Ord. 96-17, 9-3-96; amd. Ord. 97-18, 8-4-97; amd. Ord. 00-26, 9-5-00; amd. Ord. 00-42, 4-21-03; amd. Ord. 4-26, 8-2-04; amd. Ord. 04-48, 1-3-05; amd. Ord. 06-42, 4-2-07; amd. Ord. 07-33, 9-17-07; amd. Ord. 09-45, 4-5-10; amd. Ord. 13-15, 10-7-13)

9-9-2: **ONE-WAY STREETS:** Vehicles traveling on the indicated portions of the streets named below shall travel in the designated direction only. Vehicles traveling other portions of said streets may travel either direction.

(A) E. Monroe Street: One way east, from N. Main Street to N. Illinois Avenue. (Ord. 90-24, 11-19-90; amd. Ord. 96-8, 6-17-96)

(B) Alley west of S. Main Street: One way north, from one hundred fifteen feet (115') north of W. Adams to W. Jefferson. (Ord. 96-8, 6-17-96)

9-9-3: **TURNS PROHIBITED:**

Right hand turns are prohibited from Martha's Parkway onto Clark St. (Ord. 08-11, 8-18-08)



## CHAPTER 10

**YIELD INTERSECTIONS**

## SECTION:

## 9-10-1: Yield Right-Of-Way Intersections

9-10-1: **YIELD RIGHT-OF-WAY INTERSECTIONS:** No person shall drive any vehicle onto or across the streets designated, when there is a yield right-of-way sign, without first slowing said vehicle to a speed reasonable for existing conditions and yielding right-of-way to any vehicle in the intersection, or any vehicle approaching so closely as to constitute an immediate hazard. Such yield intersections are as follows:

- (A) E. Adams St. shall yield to S. Seventh Ave.
- (B) Alexander St. shall yield to McArthur Ave.
- (C) Baltimore Ave. shall yield to W. Greenwood St.
- (D) Brookcrest Ave. shall yield to E. Maywood St.
- (E) Carol Ave. shall yield to Glen Ave. and W. Wick St.
- (F) Chicago St. shall yield to Carol Ave.
- (G) Clifton Ave. shall yield to E. Adams St.
- (H) Columbus Ave. shall yield to W. Edgewood St.
- (I) W. Crestwood Dr. shall yield to W. Edgewood St.
- (J) E. Crestwood St. shall yield to S. Kansas Ave.
- (K) W. David St. shall yield to S. Maple Ave.
- (L) E. Dunne St. shall yield to N. Oregon Ave.
- (M) W. Edgewood St. shall yield to Baltimore Ave.
- (N) E. Emerson St. shall yield to N. Oregon Ave.
- (O) Erie Ct. shall yield to Erie Ave.
- (P) N. Fifth Ave. shall yield to E. Madison St.
- (Q) S. Fifth Ave. shall yield to E. Adams St. and E. Washington St.
- (R) S. First Ave. shall yield to Maywood St. and Norwood St.
- (S) Glen Ave. shall yield to W. Edgewood St.
- (T) E. Harrison St. shall yield to N. Second Ave.

- (U) Holly Ridge Spur shall yield to Maple Ridge Dr. and Oak Ridge Point.
- (V) N. Illinois Ave. shall yield to E. Harrison St. and E. Tyler St.
- (W) N. Indiana Ave. shall yield to E. Harrison St. and E. Tyler St. (Ord. 07-34, 9-17-07)
- (X) S. Indiana Ave. shall yield to E. Crestwood St.
- (Y) E. Jadewood St. shall yield to S. Second Ave.
- (Z) Kingwood St. shall yield to S. Second Ave.
- (AA) Knollcrest Ave. shall yield to Brookcrest Ave. and E. Maywood St.
- (BB) Lakewood St. shall yield to S. Second Ave.
- (CC) S. Louisiana Ave. shall yield to E. Crestwood St.
- (DD) E. Madison St. shall yield to N. Fourth Ave. and N. Ohio Ave.
- (EE) W. Madison St. shall yield to Bradley St.
- (FF) S. Maple Grove Ave. shall yield to Maywood St.
- (GG) Maywood St. shall yield to Lee Ave. (Ord. 04-47, 1-3-05)
- (HH) McArthur Ave. shall yield to Bond St. and Clark St.
- (II) S. Minnesota Ave. shall yield to E. Crestwood St. and E. Forestwood St.
- (JJ) S. Mississippi Ave. shall yield to E. Crestwood St. and E. Forestwood St.
- (KK) N. Montana Ave. shall yield to E. Madison St.
- (LL) S. Montana Ave. shall yield to E. Crestwood St. and E. Forestwood St.
- (MM) Nelson Ave. shall yield to Chicago St. and Glen Ave.
- (NN) North Drive shall yield to N. Oklahoma Ave.
- (OO) Norwood St. shall yield to S. Second Ave.
- (PP) Oakwood St. shall yield to S. Second Ave.
- (QQ) N. Ohio Ave. shall yield to E. Polk St.
- (RR) N. Ohio Ct. shall yield to E. Polk St.
- (SS) N. Oklahoma Ave. shall yield to E. Polk St.
- (TT) N. Oregon Ave. shall yield to N. Oklahoma Ave.
- (UU) N. Oregon Ct. shall yield to N. Oregon Ave.
- (VV) Peoria Ave. shall yield to Bradley St. and W. Pershing St.
- (WW) Pinewood St. shall yield to S. Second Ave.

- (XX) S. Plum Ave. shall yield to Chicago St.
  - (YY) E. Polk St. shall yield to N. Oregon Ave.
  - (ZZ) Rassi Ave. shall yield to E. Madison St.
  - (AAA) St. Mark's Circle shall yield to Lee Ave. (Ord. 04-14, 6-21-04)
  - (BBB) N. Second Ave. shall yield to E. Madison St.
  - (CCC) S. Second Ave. shall yield to E. Adams St. and E. Washington St.
  - (DDD) N. Sixth Ave. shall yield to E. Madison St.
  - (EEE) S. Sixth Ave. shall yield to E. Adams St. and E. Washington St.
  - (FFF) S. Third Ave. shall yield to E. Adams St. and E. Washington St.
  - (GGG) Timberlane Dr. shall yield to Forestview Rd.
  - (HHH) Tuscany Ct. shall yield to S. Second Ave. and Yordy Rd.
  - (III) E. Tyler St. shall yield to N. Oregon Ave.
  - (JJJ) Van Buren St. shall yield to N. Second Ave.
  - (KKK) W. Wick St. shall yield to Glen Ave.
  - (LLL) Woodcrest Ave. shall yield to Brookcrest Ave. and E. Maywood St.
- (Ord. 98-10, 7-6-98; amd. Ord. 00-27, 9-5-00; amd. Ord. 02-23, 12-2-02; amd. Ord. 03-25, 10-20-03; amd. Ord. 04-14, 06-21-04; amd. Ord. 07-14, 6-18-07; amd. Ord. 07-34, 9-17-07)





CHAPTER 11  
**LEFT TURN LANES**

SECTION:

9-11-1: Left Turn Lanes

9-11-1: **LEFT TURN LANES:** The Chief of Police and Superintendent of Public Works shall have the authority to designate inside turn lanes from which traffic approaching an intersection must turn left. The appropriate streets as determined by the Chief of Police and Superintendent of Public Works shall be properly marked in accordance with the Illinois Department of Transportation standards. (Ord. 96-41, 3-17-97)



## CHAPTER 12

**TRAFFIC RIGHT OF WAY, ENCROACHMENT**

## SECTION:

- 9-12-1: Roadway Right Of Way
- 9-12-2: Encroachment
- 9-12-3: Permissible Encroachment
- 9-12-4: Construction Easement Area
- 9-12-5: Encroachment Unlawful
- 9-12-6: Conflicting Ordinances
- 9-12-7: Penalty

9-12-1: **ROADWAY RIGHT OF WAY:** Defined as those areas existing or acquired by dedication or by fee simple for highway purposes; also the areas acquired by temporary easement during the time the easement is in effect; said areas include but are not limited to the following: Jackson Street, also known as US. Route 150, from the west Village limits to the east Village limits; Illinois Route 98 from the west Village limits to its point of termination, being its intersection with Jackson Street; and Main Street from the southerly Village limits to the northerly Village limits. (Ord. 79-23, 12-3-79; amd. Ord. 83-2, 5-2-83; Ord. 88-3, 5-16-88; Ord. 89-1, 5-1-89)

9-12-2: **ENCROACHMENT:** Defined as any building, fence, sign, or other structure or object of any kind (with the exception of utilities and public road signs), which is placed, located, or maintained, in, on, under, or over any portion of the project right of way or the roadway right of way where no project right of way line has been established.

9-12-3: **PERMISSIBLE ENCROACHMENT:** Defined as any existing awning, marquee, sign advertising activity on the property or similar overhanging structure supported from a building immediately adjacent to the limits of the platted street where there is a sidewalk extending to the building line and which does not impair the free and sale flow of traffic on the highway. The permissive retention of overhanging signs is not to be construed as being applicable to those signs supported from poles constructed outside the project right of way line and not confined by adjacent buildings.

9-12-4: **CONSTRUCTION EASEMENT AREA:** Defined as the area lying between the project right of way limits and the platted street limits within which the Village by concurrence in the establishment of the project right-of-way lines will permit the State of Illinois to enter to perform all necessary construction operations.

9-12-5: **ENCROACHMENT UNLAWFUL:** It shall be unlawful for any person, firm, or corporation to erect or cause to be erected, to retain or cause to be retained, any encroachment within the limits of the project right of way or roadway right of way where no project right of way lines have been established.

9-12-6: **CONFLICTING ORDINANCES:** This Chapter is intended to and shall be in addition to all other chapters, rules, and regulations concerning encroachments and shall not be construed as repealing or rescinding any other chapter or part of any chapter unless in direct conflict therewith.

9-12-7: **PENALTY:** Any person, firm, or corporation violating any section of this Chapter shall be fined not less than twenty five dollars (\$25.00) nor more than seven hundred fifty dollars (\$750.00) for each offense, and a separate offense shall be deemed committed for each and every day during which a violation continues or exists. (Ord. 79-23, 12-3-79; amd. Ord. 99-37, 12-6-99)



## CHAPTER 13

**PARKING DURING SNOW REMOVAL**

## SECTION:

- 9-13-1: Parking During Snow Removal
- 9-13-2: Prohibited Parking Hours
- 9-13-3: On-Street Parking
- 9-13-4: Prima Facie Proof
- 9-13-5: Parking On Snow Routes
- 9-13-6: Violation; Towing
- 9-13-7: Violation; Fine

9-13-1: **PARKING DURING SNOW REMOVAL:** The President of the Board of Trustees of the Village of Morton or the Superintendent of Public Works or the Superintendent of Streets shall have the authority and power to issue a declaration calling for the prohibition of on-street parking of all automobiles and other vehicles on Village streets when such a declaration is necessary to allow the safe and quick removal of snow from the streets of the Village.

9-13-2: **PROHIBITED PARKING HOURS:** It shall be the duty of the owner or possessor of any automobile or other vehicle to remove said vehicle or vehicles from the streets of this Municipality before 7:00 P.M. of the day that the declaration has been made. It shall be unlawful to park any automobile or other vehicle upon any street of the Village after said declaration has taken effect until such time that all snow upon said street has been plowed back to the curblin of said street. (amd. Ord. 00-49, 2-5-01)

9-13-3: **ON-STREET PARKING:** Said declaration, upon having been made, shall have the effect of prohibiting on-street parking for the same period as set out above on all streets within the Village limits.

9-13-4: **PRIMA FACIE PROOF:** The fact that a vehicle which is illegally parked is registered in the name of a person shall be considered prima facie proof that such person was in control of the vehicle at the time of such violation. (Ord. 79-21, 12-3-79)

9-13-5: **PARKING ON SNOW ROUTES:**

- (A) A parking prohibition shall automatically go into effect on snow routes on which there has been an accumulation of snow and/or ice of two inches (2") or more.
- (B) A prohibition under this Section shall remain in effect for forty-eight (48) hours after said accumulation unless the Village, by declaration prior to the end of such forty-eight (48) hour period, extends such prohibition beyond the initial forty-eight (48) hour period.
- (C) Whenever the Village finds that some or all of the conditions which give rise to a parking prohibition in effect pursuant to this Section no longer exist, the Village may declare the prohibition terminated, in whole or in part. The termination of a parking prohibition pursuant to this subsection shall be effective immediately upon declaration.
- (D) Parking on all snow routes is prohibited during the period when the conditions described above exist.

(E) The designated snow routes are as follows:

- Main Detroit
- Jefferson Idlewood
- Nebraska Missouri
- Bond Mosiman
- First Ave. (between Jefferson and Birchwood)
- Fourth Ave. (between Idlewood and Washington)

(F) Any declarations made herein will be publicly announced through the news media.

(G) The provisions of this Section are intended to supplement the other provisions of this Chapter and in the event a declaration is made pursuant to Section 1 of this Chapter, those provisions shall apply. (Ord. 01-16, 9-17-01)

9-13-6: **VIOLATION; TOWING:** In the event the owner or possessor of any vehicle shall refuse, neglect, or fail to remove said vehicle as provided for in this Chapter, then the Village of Morton by its police officers or other Village officials shall have the right to remove said vehicle from the street by private or public wrecker or tow truck, said removal to be at the expense of the owner or possessor of said vehicle. Such vehicles shall be restored to their owners only after payment of the expense incurred in removing, towing, and/or storage. (Ord. 79-21, 12-3-79; amd. Ord. 01-16, 9-17-01)

9-13-7: **VIOLATION; FINE:** In the event the owner or possessor of a motor vehicle is parked in violation of any of the provisions of this Chapter, then the provisions of Title 9, Chapter 6, Section 12 shall apply. (Ord. 80-21, 10-20-80; amd. Ord. 01-16, 9-17-01)

## CHAPTER 14

**PROHIBITION ON SKATEBOARDING**

## SECTION:

- 9-14-1: Prohibition In Certain Areas  
 9-14-2: Penalty  
 9-14-3: Severability Clause

9-14-1: **PROHIBITION IN CERTAIN AREAS:** No person shall operate or ride on a skateboard on any of the following areas:

- (A) Any street or alley.
- (B) Parking lots owned or leased by the Village.
- (C) On any public or private property where signs have been posted at the entrance or displayed prominently on the property prohibiting the use of skateboards.
- (D) On any sidewalk running parallel to the following streets ("sidewalk" meaning on both sides of the street):
1. Main from Wick to Jackson.
  2. Jackson from First to Bauman.
  3. Jefferson from Third to Pershing.
  4. First from Wick to Jackson.
  5. Plum from Chicago to Jefferson.
  6. Washington from Third to Plum.
  7. Adams from Third to Pershing.
  8. Madison from First to Bradley.
  9. Monroe from First to Main.
  10. Pershing. (Ord. 89-3, 6-5-89; amd. Ord. 96-23, 9-16-96)

9-14-2: **PENALTY:** Any person who violates any of the provisions of this Title and Chapter shall be issued a ticket as being in violation of this Title and Chapter. (Ord. 89-3, 6-5-89; amd. Ord. 96-23, 9-16-96)

A person who violates any of the provisions of this Chapter shall be ticketed as follows:

- (A) Five dollars (\$5.00) for the first offense;
- (B) Ten dollars (\$10.00) for the second offense;
- (C) Seventy five dollars (\$75.00) for each subsequent offense.

All tickets shall be paid within fourteen (14) days of the date of said ticket.

In the event said person fails to make payment as provided above, then the Police Department shall institute formal court proceedings; and the person shall be subject to an additional penalty of fifty dollars (\$50.00) plus any court costs that may be assessed. (Ord. 96-27, 10-21-96)

The aforesaid payments shall be made at the Morton Police Station, 375 West Birchwood Street, Morton, Illinois.

The members of the Police Department are directed to refrain from instituting prosecution of such violation where the above amounts are paid and, where not so paid, until the expiration of fourteen (14) days from the date of such violation. (Ord. 89-3, 6-5-89; amd. Ord. 96-23, 9-16-96)

9-14-3: **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 provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 89-3, 6-5-89; amd. Ord. 96-23, 9-16-96)



## CHAPTER 15

**TRESPASSES PROHIBITED**

## SECTION:

- 9-15-1: Trespasses Prohibited  
 9-15-2: Specifically Enumerated Trespasses Suppression

9-15-1: **TRESPASSES PROHIBITED:** It shall be unlawful for any person, firm, or corporation to commit a trespass within this Municipality upon either public or private property. (Ord. 509, 8-3-70; amd. Ord. 96-23, 9-16-96)

9-15-2: **SPECIFICALLY ENUMERATED TRESPASSES SUPPRESSION:** Without constituting any limitations upon the provisions of Section 9-15-1 of this Chapter, any of the following acts by any person, firm, or corporation shall be deemed included among those that constitute trespasses in violation of the provisions of said 9-15-1, and appropriate action may be taken hereunder at any time, or from time to time, to prevent or suppress any violation or violations of this Chapter, the aforesaid enumerated acts so included, being as follows:

- (A) An entry upon the premises, or any part thereof, of another including any public property in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry or in violation of any notice, warning, or protest given orally or in writing, by any owner or occupant thereof; or
- (B) The pursuit of a course of conduct, or action incidental to the making of an entry, upon the land of another in violation of a notice posted or exhibited at the main entrance to said premises or at any point of approach or entry, or in violation of any notice, warning, or protest given orally or in writing by any owner or occupant thereof; or
- (C) A failure or refusal to depart from the premises of another in case of being requested, either orally or in writing, to leave by any owner or occupant thereof; or
- (D) An entry into or upon any vehicle, aircraft, or watercraft made without the consent of the person having the right to the possession or control thereof, or a failure or refusal to leave any such vehicle, aircraft, or watercraft after being requested to leave by the person having such right. (Ord. 509, 8-3-70; amd. Ord. 96-23, 9-16-96)



**TITLE 10**  
**ZONING**

Subject	Chapter
Title, Purpose, And Intent . . . . .	1
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Zoning Districts . . . . .	3
General Regulations And Exceptions . . . . .	4
Residential Districts . . . . .	5
Business Districts . . . . .	6
Industrial Districts . . . . .	7
Off-Street Parking And Loading . . . . .	8
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Administration And Enforcement . . . . .	10
Fees For Zoning Administration . . . . .	11
Jackson Street Improvement Plan (Rep. by Ord. 90-37, 4-15-91) . . . . .	12
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## CHAPTER 1

**TITLE, PURPOSE, AND INTENT**

## SECTION:

10-1-1: Title  
 10-1-2: Purpose  
 10-1-3: Intent

10-1-1: **TITLE:** This Title shall be known and may be cited as the MORTON ZONING ORDINANCE.

10-1-2: **PURPOSE:** This Title is adopted for the following purpose:

- (A) Securing adequate light, pure air, and safety from fire and other dangers;
- (B) Conserving the taxable value of lands and buildings throughout the Municipality;
- (C) Lessening or avoiding congestion in public streets;
- (D) Lessening or avoiding the hazards to persons and damage to property resulting from the accumulation or runoff of storm or flood waters; and
- (E) Promoting the public health, safety, comfort, morals, and welfare.

10-1-3: **INTENT:** To these ends, this Title is intended to establish certain standards and objectives by:

- (A) Regulating and limiting the height and bulk of buildings;
- (B) Establishing, regulating, and limiting the building lines along any street, parkway, water channel, or basin;
- (C) Regulating and limiting the intensity and use of lot areas and the area of open spaces within and surrounding buildings;
- (D) Classifying, regulating, and restricting location of trades and industries and location of buildings designed for specified business, residential, and other uses;
- (E) Dividing the Municipality into districts of such number, shape, area, and of such different classes as may be deemed necessary;
- (F) Fixing standards to which buildings and structures shall conform;

- (G) Prohibiting proposed uses, buildings, or structures incompatible with the district in which located, or eliminating gradually existing uses, buildings, or structures incompatible with the district in which located;
- H) Preventing additions, alterations, or remodeling of existing buildings or structures in such a way as to avoid restrictions and limitations imposed under this Title;
- (I) Classifying, regulating, and restricting the use of property on the basis of family relationship. (Ord. 78-31, 3-5-79)

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NOTE: This Title previously supplemented 270, 874, 974, 375, 976, 778

CHAPTER 2  
DEFINITIONS

## SECTION:

10-2-1: Definitions

10-2-1: **DEFINITIONS:** Wherever anywhere in this Title any of the following terms are used, they shall have the meaning indicated hereafter in this Chapter.

**ACCESSORY USE, ACCESSORY AREA, ACCESSORY BUILDING:** A use customarily incidental and subordinate to the principal use, principal area or principal building and located on the same lot, parcel, or tract of land with said principal use, area, or building, and an accessory use, area, or building shall be deemed to constitute occupancy of that part of the lot, parcel, or tract of land so used or upon which the accessory building is located. Private garage shall not be considered an accessory use. A ground mounted solar system shall be considered an accessory use. A swimming pool shall be considered an accessory use. (Ord. 78-31, 3-5-79; amd. Ord. 83-4, 5-16-83; amd. Ord. 91-8, 7-15-91; amd. Ord. 10-20, 10-4-10)

**ALLEY:** An alley is a public way not more than thirty feet (30') wide affording secondary access to abutting property.

**ANIMAL HOSPITAL:** An establishment for the treatment, and necessary boarding incidental thereto, of small animals such as dogs, cats, rabbits, and birds by a veterinarian.

**APARTMENT:** A room or suite of rooms with complete kitchen and sanitary facilities in a structure designed to accommodate two (2) or more such units.

**AUTOMOBILE WRECKING YARD:** Any place where one (1) or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for the wrecking or storing of such automobiles or the parts thereof. Any location for storage of motor vehicles awaiting repair for more than seven (7) consecutive days shall be considered an automobile wrecking yard.

**BARKER:** An individual, operating outside of a business's primary structure, who attempts to engage passersby through verbal, physical, or other contact in order to entice them into patronizing said business. (Ord. 07-31, 9-4-07)

**BARKER SIGNS:** Any temporary signs used to advertise a business or business event that are not affixed to any type of building or support structure, but are instead carried by an individual serving as a "barker" on behalf of the business entity. (Ord. 07-31, 9-4-07)

**BED AND BREAKFAST ESTABLISHMENTS:** An owner/operator occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms, each limited to two (2) transient adult guests per night, for rent, in operation for more than ten (10) nights in a twelve (12) month period. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or lodging houses. (Ord. 09-20, 8-3-09)

BOARDING OR LODGING HOUSE:	A building other than a hotel where meals or sleeping accommodations or both are provided for compensation for three (3), but not more than ten (10), persons.
BRICK	A molded rectangular block primarily comprised of clay and/or shale, fired with natural gas or coal at approximately two thousand degrees (2000°) to fuse the shale or clay into a durable building unit that is laid contiguously with the joints between the units filled with mortar. (Ord. 09-34, 12-21-09)
BUILDING:	A building is any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are no communicating doors, windows, or openings; and which is designed or intended for the shelter, enclosure, or protection of persons, animals, or chattels.
BUILDING HEIGHT:	The vertical distance measured from the sidewalk level or its equivalent established grade to the highest point of the roof. Where buildings are set back from the building setback line, the height will be measured from the average elevation of the finished lot grade. (Ord. 78-31, 3-5-79; amd. Ord. 05-20, 9-6-05)
CLINIC:	An establishment, including the operation of a professional pharmacy, but excluding facilities for in-patient nursing care, where one (1) or more physicians and other medical professionals diagnose and treat human physical and/or mental ailments. (Ord. 79-39, 3-3-80)
COMMUNITY RESIDENCE:	A group home or specialized residential care home serving unrelated persons with disabilities which is licensed, certified, or accredited by appropriate local, State, or national bodies. This Ordinance shall not be construed to require a license, certification, or accreditation and same shall only be required where State or Federal law requires same. Community residence does not include a residence which serves persons as any alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, or persons whose primary reason for placement is treatment for a communicable disease. (Ord. 89-19, 2-5-90)
CONSTRUCTION SIGNS:	A temporary sign, which includes those indicating construction or home improvement, or the offering of services such as lawn maintenance and landscaping, at a specific location at which they are located. (Ord. 07-31, 9-4-07)
COVERAGE:	The portion of the lot area covered by the building area.
CURB LEVEL:	The average elevation of the established curb of a street taken along the curb line between the points of intersection of the curb line and the lot lines. Where no curb has been established, the curb level shall be the average elevation of the land surface taken along the street right of way and the lot lines.
DAY CARE CENTER:	An adult care facility or a child care facility receiving more than eight (8) persons for care during all or part of a day. Day care centers are not to be construed as public or private school facilities. (Ord. 78-31, 3-5-79; amd. Ord. 12-27, 3-4-13)



DISABILITY:	<p>Any person whose disability:</p> <p>(A) Is attributable to mental, intellectual, or physical impairments or a combination of mental, intellectual, or physical impairments; and</p> <p>(B) Is likely to continue for a significant amount of time or indefinitely; and</p> <p>(C) Results in functional limitations in one (1) or more of the following areas of major life activities:</p> <ol style="list-style-type: none"> <li>1. Self care;</li> <li>2. Receptive or expressive language;</li> <li>3. Learning;</li> <li>4. Mobility;</li> <li>5. Self direction;</li> <li>6. Capacity for independent living;</li> <li>7. Economic self-sufficiency; and</li> </ol> <p>(D) Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment, or other services which are of a life-long or extended duration. (Ord. 89-19, 2-5-90)</p>
DUMPSTERS	A portable receptacle designed and used for accumulating debris. (Ord. 07-41, 10-1-07)
DWELLING:	A building or portion thereof designed or used exclusively for residential occupancy, but not including house trailers, mobile homes, hotels, motels, boarding or lodging houses or manufactured home. The terms "dwelling" and "dwelling unit" are used interchangeably. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82)
DWELLING, MULTIPLE-FAMILY:	A building used as a residence for more than two (2) families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, group houses, and row houses. The term "multiple-family dwelling" and "multi-family dwelling" are used interchangeably.
DWELLING, SINGLE-FAMILY:	A building used as a residence exclusively by one (1) family.
DWELLING, TWO-FAMILY:	A building used as a residence exclusively by two (2) families with completely separate living facilities for each family.
ELECTRIC SOLAR SYSTEM:	An electric solar system is one which produces electrical power for the structure. (Ord. 10-20, 10-4-10)
FAMILY:	An individual or two (2) or more persons related by blood, marriage, or adoption, together with his or their domestic servants and a gratuitous guest maintaining common household in a dwelling unit or lodging unit.

- FENCE:** A man-made structure which is constructed for the purpose of or has the effect of enclosing or screening the area it is constructed upon. (Ord. 78-31, 3-5-79)
- FENCE, ENCLOSURE:** A fence primarily for providing privacy or visual screening.
- FENCE, INDUSTRIAL SECURITY:** A fence provided primarily for security which shall be of chain link construction and which shall be at least seventy five percent (75%) open. (Ord. 79-43, 4-21-80)
- FENCE, ORNAMENTAL:** An ornamental fence is a fence, the surface area of the fence being more than seventy five percent (75%) open. Ornamental fences may not be chain link or wire construction and may not have pointed or dangerous projections.
- FIREARM FIRING RANGE:** An area or facility designed and operated for individuals to engage in the activity of practice shooting of archery and/or firearms for commercial purposes. (Ord. 17-03, 6-5-17)
- FIREARM RESALE SHOP:** A retail store that derives its principal income from buying and selling firearms with or without the sale of ammunition and/or firearm accessories. (Ord. 17-03, 6-5-17)
- FLOOR AREA:** The total horizontal area of living space enclosed by the exterior walls of a building measured at the outside of such exterior walls including partitions, closets, bath, and utility rooms, but not including cellars, basements, unfinished attics, garages, breezeways, porches, and patios, and other spaces not used ordinarily for living, eating, and sleeping purposes. (Ord. 78-31, 3-5-79)
- GARAGE, PRIVATE:** A use housing not more than four (4) motor vehicles, not more than one (1) of which may be a commercial vehicle of not more than one and one-half (1 1/2) tons capacity, and not more than one (1) of which may be a camper, for the use of the occupants of the lot on which the private garage is located. Garages shall meet required yard areas as specified in this Title. Only one (1) garage per dwelling unit shall be allowed, either attached or unattached. Attached shall mean a minimum of a common roof and foundation between the dwelling unit and garage. If a garage will house more than four (4) motor vehicles, plans shall be submitted for site plan review and shall be subject to approval of the Village. (Ord. 78-31, 3-5-79; amd. Ord. 80-30, 11-17-80; amd. Ord. 02-25, 1-6-03; amd. Ord. 08-25, 11-3-08)
- GOVERNMENTAL UNITS, BOARDS AND OFFICIALS:**
- (A) The word "Village" shall mean the Village of Morton, Illinois.
  - (B) The words "Village Board" shall mean the President and Trustees of the Village of Morton.
  - (C) The words "Plan Commission" or "Planning Commission" shall mean the Village of Morton Plan Commission.
  - (D) The words "Zoning Enforcing Officer" shall mean the officer designated by the Board of Trustees to enforce the Village of Morton Zoning Ordinance.
  - (E) The words "Zoning Board of Appeals" shall mean the Zoning Board of Appeals of the Village of Morton.
- HEIGHT:** See "Building Height." (Ord. 78-31, 3-5-79; amd. Ord. 84-3, 6-18-84)

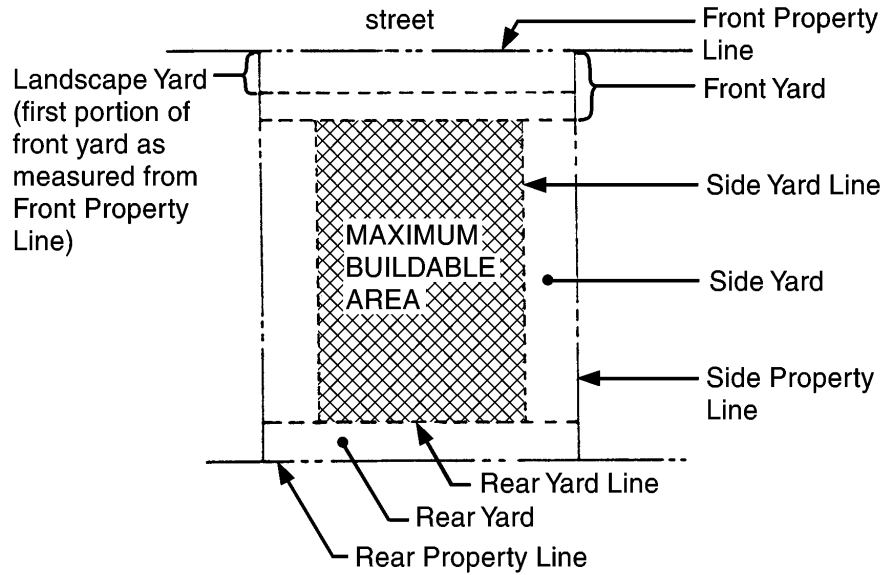
- HOSPITAL:** A building having facilities for in-patient nursing care where physicians and other medical professionals diagnose and treat human ailments. (Ord. 78-31, 3-5-79)
- INTERSTATE CORRIDOR:** Each and every parcels of land located within the corporate limits of the Village of Morton, which is bounded on any side in any manner by any interstate right-of-way or fifty percent (50%) or more of the area of such parcel is located within five hundred (500) feet of any interstate right-of-way. (Ord. 94-31, 5-15-95; amd. Ord. 17-09, 7-5-17)
- KENNEL:** A structure for sheltering or keeping cats, dogs, bitches, and puppies for compensation, which either keeps or boards animals not belonging to a family dwelling on the premises, or keeps more than three (3) such animals that are more than six (6) months old.
- LANDSCAPED SCREENING:** A hedge of trees or shrubs suitable at maturity to visually screen one property from another. The term “landscaped buffers” and “landscape screening” are used interchangeably. See the “Plant Materials For Landscape Screening” section for appropriate plant materials and minimum sizes required. Equivalent materials of equal sizes may be substituted with approval of the Zoning Enforcing Officer. Landscaped screening, where required, must be continuously maintained. (Ord. 78-31, 3-5-79)
- LANDSCAPED YARD:** See “Yard, Landscaped.”
- LIVESTOCK FEEDING** Any operation which stables or confines and feeds or maintains, for a total of forty-five (45) days or more in any twelve (12) month period, a combination of at least fifty (50) animal units, or its equivalency, as defined: (amd. Ord. 06-19, 7-10-06)
- | <u>Category</u>   | <u>Animal Unit</u> |
|---|--------------------|
| Brood cows and slaughter feeder cattle                                  | 1 animal unit      |
| Milking dairy cows  | 1.4 animal units   |
| Young dairy stock   | 0.6 animal units   |
| Swine weighing over fifty-five (55) pounds                              | 0.4 animal units   |
| Swine weighing under fifty-five (55) pounds                             | 0.03 animal units  |
| Sheep, lambs, or goats  | 0.1 animal units   |
| Horses  | 2 animal units     |
| Laying hens or broilers (facilities with continuous overflow watering)  | 0.01 animal units  |
| Laying hens or broilers (facilities with liquid manure handling system) | 0.03 animal units  |
| Ducks   | 0.02 animal units  |
- LOADING AND UNLOADING SPACE:** See 10-8-7 of this Title.
- LODGING HOUSE:** See “Boarding House.”
- LOT:** A portion or parcel of land considered as a unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use and the customary accessories and open spaces belonging to the same.

LOT, CORNER:

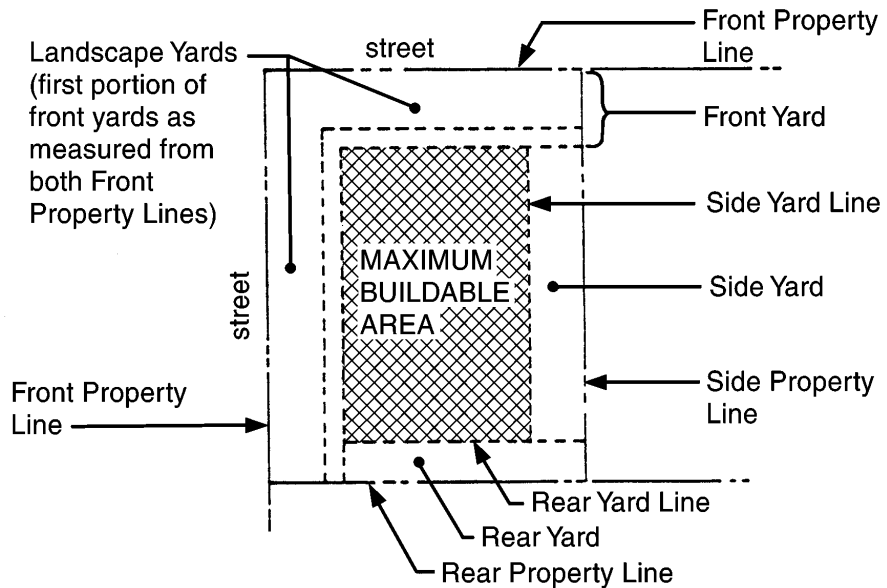
Parcel of land situated at the intersection of two (2) or more streets, or at and abutting the point or abrupt change of a single street where the interior angle is less than one hundred thirty five degrees (135°) and the radius of the street is less than one hundred feet (100').

LOT, INTERIOR:

A lot other than a corner lot and which has lots on either side.



Zoning Lot - Interior



Zoning Lot - Corner

- LOT OF RECORD:** A lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Deeds of Tazewell County, Illinois; or a parcel of land described by metes and bounds, the deed or description of which was recorded in the office of the Recorder of Deeds prior to the adoption of this Title. Ord. 78-31, 3-5-79)
- MANUFACTURED HOME:** A structure, transportable in one or more sections, which, in traveling mode, is eight body feet (8') or more in width or forty body feet (40') or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems contained therein. (Ord 98-45, 3-15-99)
- MOBILE HOME:** Any portable or mobile vehicle or trailer coach used for residential living purposes temporarily or permanently. For the purpose of this Title, such vehicle shall be classified as a mobile home whether or not its wheels, rollers, skids, or other rolling equipment have been removed, or whether or not any addition thereto has been built on the ground. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 8-2-82; amd. Ord. 84-9, 9-17-84; amd. Ord. 00-50, 3-5-01)
- MOBILE HOME PARK  
MOBILE HOME COURT:** A tract of land meeting the standards of the Tazewell County Health authorities and by the Illinois State Department of Health:
- (A) Where one (1) or more trailer coach, manufactured home or mobile home is parked, excepting trailers used exclusively for transporting property as distinguished from persons;
  - (B) Which is used by the public as parking space for one (1) or more trailer coach, manufactured home, or mobile home. (Ord. 78-31, 3-5-79; amd. Ord. 98-45, 3-15-99)
- MODULAR HOME:** A building assembly or system of building sub-assemblies, designed for habitation as a dwelling place for one (1) or more persons, including the necessary electrical, plumbing, heating, ventilating, and other service systems, which is of closed or open construction and which is made or assembled by a manufacturer, on or off the building site, for installation, or assembly and installation, on the building site, with a permanent foundation. (Ord. 78-31, 3-5-79; amd. Ord. 82-8, 82-82; amd. Ord. 98-45, 3-15-99)
- MOTOR FREIGHT  
TERMINAL:** A structure, facility, or premise for the handling of goods and materials in transit, including the parking, loading, and repairing of commercial motor vehicles. Employee sleeping accommodations shall be considered allowable by special use permit only. (Ord. 82-32, 4-4-83)
- NONCONFORMING  
STRUCTURE:** A structure lawfully existing at the time of adoption of this Zoning Ordinance which does not conform to the regulations of the district in which it is located.
- NONCONFORMING USE:** A use which lawfully occupied a structure or land at the time of adoption of this Zoning Ordinance which does not conform with the regulations of the district in which it is located. For the purposes of this Title, any use lawfully established on the effective date of this Zoning Ordinance which is nonconforming solely by virtue of lacking off-street parking or loading facilities as required hereafter for new uses, shall not be deemed a nonconforming use. (Ord. 78-31, 3-5-79)

NURSERY SCHOOL:	A place where preschool education and instructional programs are offered for children. (Ord. 84-1, 5-21-84)
OUTDOOR RECREATION FACILITIES:	Facilities including but not limited to miniature golf, driving range, and related activities. (Ord. 86-21, 4-20-87)
PARKING AREA, OFF STREET:	An open, hard-surfaced area of land, other than a street or public way, arranged and made available for the storage of private passenger automobiles only, of occupants of the building or buildings for which the parking area is developed and is accessory.
PARKING SPACE:	An area to the dimensions and layout as contained in Chapter 8, sufficient to accommodate one (1) automobile, convenient, accessible, and usable at all times without having to move any other vehicle.
PLANNED RESIDENTIAL DEVELOPMENT:	A tract of land which is developed as a residential development under single ownership or control and which may not completely conform to all of the regulations of the district regulations.
PLANT MATERIALS FOR LANDSCAPE SCREENING:	<p>(A) Deciduous shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants shed their leaves in winter. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include honeysuckle, lilac, forsythia, rose of sharon, and sumac.</p> <p>(B) Evergreen shrub means a lower story plant that generally will not attain a mature height of more than fifteen feet (15') and usually has a dense branching pattern which is close to ground level. Such plants retain their foliage throughout the year. Any similar plant that will not attain a mature height of more than one foot (1') will not be regarded as a shrub. Examples include douglas arbor-vitae, chinese juniper, swiss stone pine, and irish yew.</p> <p>(C) Evergreen tree means a tree that retains its foliage throughout the year which generally develops a pyramidal shape and grows to a mature height and spread that is greater than any pyramidal shaped evergreen shrub such as upright junipers and upright arbor vitae. Examples include spruce, pine, hemlock, and douglas fir.</p> <p>(D) Intermediate tree means a deciduous plant characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their leaves and are dormant during the winter. Intermediate trees may have a single trunk or multiple trunk. Examples include bradford pear, crimson king maple, and crab apple.</p> <p>(E) Shade tree means a deciduous plant which generally creates a tall and wide overhead canopy under nature growing conditions. Such plants will shed their leaves and are dormant during the winter. Shade trees will usually have a single trunk. Examples include oak, hard maple, birch, linden, and beech. (amd. Ord. 00-51, 3-19-01)</p>

- PLAY STRUCTURE:
- (A) Length is less than forty percent (40%) of average yard width.
  - (B) Width is less than twenty-five percent (25%) of average yard width.
  - (C) Interior of enclosed structure may not exceed seven feet, six inches (7'6") in height.
  - (D) Interior of enclosed structure may not exceed sixty (60) square feet.
  - (E) Tallest point of structure cannot exceed fourteen feet, six inches (14'6") of the average soil height of the yard.
  - (F) Enclosed structure may not be insulated.
  - (G) Enclosed structure may not be used for storage of anything other than toys. Bikes, wagons, tricycles, or other wheeled structures are not considered toys.
  - (H) Only one (1) enclosed structure is allowed per play structure.
  - (I) A play structure may not be placed in or on a concrete foundation; however, posts are acceptable and may be set in concrete.
  - (J) Only one (1) play structure is allowed per lot. (Ord. 05-41, 2-6-06)
  - (K) Shall not include swing sets.

A swing set is defined as follows:

1. Structure constructed of metal, wood, or other materials with swings, a glider, and a slide.
2. Shall be exempt from the building permit process.
3. Shall meet all required setbacks for accessory structures. (Ord. 06-05, 5-1-06)

PORTABLE STORAGE UNITS: Any container, storage unit, shed-like container, or other portable structure that can be or is used for the storage of personal property. (Ord. 07-41, 10-1-07)

RESIDENTIAL TREATMENT CENTER: An establishment, including the operation of a professional pharmacy, and facilities for 24 hour in-patient care, where one or more physicians, psychologists, counselors, or other medical professionals diagnose and treat human physical and/or mental disorders. (Ord. 07-37, 10-1-07)

REST HOME OR NURSING HOME:	A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment, or care of the sick or injured. (Ord. 78-31, 3-5-79)
RETIREMENT CENTER:	A building where three (3) or more persons not of the immediate family are lodged for hire and where they may be provided meals, health care, and rehabilitation activities, including physical and occupational rehabilitation services. The center may also provide adult day care and home health care services. (Ord. 84-25, 4-15-85)
RINGELMANN NUMBER:	A particular designation of an area on the Ringelmann Chart that coincides most nearly with the visual density of smoke or particulate matter being observed.
SHELTERS/TENTS	Something which has no foundation, metal frame, and which can be used to enclose an area. (Ord. 07-41, 10-1-07)
SIGNS:	Any commercial structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, of any civic, charitable, religious, patriotic, fraternal, or similar organization, or any sign indicating address.
SIGNS, ADVERTISING:	A sign which directs attention to a business, commodity, service, or entertainment, not exclusively related to the premises where such sign is located or to which it is affixed.
SIGNS, BUSINESS:	A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises on which such sign is located or to which it is affixed.
SIGNS, TEMPORARY:	A non-permanent sign intended to be used for a short fixed period of time, including, but not limited to, political, real estate, construction, barker, and signs announcing a campaign drive or civic event. (Ord. 07-31, 9-4-07)
SOLAR WATER SYSTEM:	A solar water system is one which produces domestic hot water. (Ord. 10-20, 10-4-10)
SPECIAL USES:	Any use of land or buildings described and permitted herein in accordance with the procedures of Section 10-10-2 of this Title.
STORY:	That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof. Any basement or cellar with more than one-half (1/2) its height above the established curb level, or above the level of the adjoining ground where curb level has not been established, shall be considered a story for purposes of height measurements.



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

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

CHAPTER 3  
ZONING DISTRICTS

## SECTION:

- 10-3-1: Establishment of Districts  
 10-3-2: Zoning Maps  
 10-3-3: Zoning of Streets, Alleys, Public Ways, Railroad Rights of Way  
 10-3-4: Zoning of Annexed Territory  
 10-3-5: Interpretation of Zoning Boundaries

10-3-1: **ESTABLISHMENT OF DISTRICTS:** The Village is hereby divided into the following zoning districts:

- |     |  |
|-----|--|
| R-S | Suburban Residential and Planned Residential Development District                |
| R-1 | One-Family and Planned Residential Development District                          |
| R-2 | Two-Family and Planned Residential Development District                          |
| R-3 | Multi-Family and Planned Residential Development District                        |
| R-4 | Multi-Family and Planned Residential Development District. (Ord. 04-51, 2-21-05) |
| MH  | Mobile Home District   |
| B-1 | Professional Office District   |
| B-2 | General Business District  |
| B-3 | Highway and Service Commercial District  |
| I-1 | Restricted Industrial District   |
| I-2 | General Industrial District  |

10-3-2: **ZONING MAPS:**<sup>1</sup> The location and boundaries of such districts are shown upon the Morton, Illinois, Zoning Map, which Map is hereby adopted and by reference made a part hereof, a copy of which is on file at the Village Clerk's office.

10-3-3: **ZONING OF STREETS, ALLEYS, PUBLIC WAYS, AND RAILROAD RIGHTS OF WAY:** Unless otherwise specified, all streets, alleys, public ways, and railroad rights of way shall be considered as being in the same zoning district as is abutting land. Where the street, alley, public way, or railroad right of way serves as the zoning boundary, unless otherwise indicated, the centerline shall serve as the boundary. If a street, alley, public way, or railroad right of way which has served as the zoning line shall be vacated, such zoning boundary shall remain in the center of such vacation. (Ord. 78-31, 3-5-79)

10-3-4: **ZONING OF ANNEXED TERRITORY:** All territory which may hereafter be annexed shall be considered as being in the R-S District unless otherwise stipulated by pre-annexation agreement or until otherwise changed by the ordinance amendment procedure, as outlined in this Title.<sup>2</sup> (Ord. 80-4, 5-5-80)

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<sup>1</sup> See 10-10-2(E)8 for publication provisions of zoning maps.

<sup>2</sup> See Section 10-10-2(E).

- 10-3-5: **INTERPRETATION OF ZONING BOUNDARY LINES:** Where any uncertainty arises as to the location of zoning district lines, as indicated on the zoning maps, the following shall apply:
- (A) Zoning district lines generally following streets, alleys, public ways, and railroad rights of way shall be construed as being on the centerline of such ways.
  - (B) Zoning district lines generally following lot lines shall be construed as being located on lot lines.
  - (C) Zoning district lines generally following Village limit lines shall be construed as the Village limit line.
  - (D) Zoning district lines generally following streams or watercourses shall be construed as the centerline of that stream or watercourse.
  - (E) Where a subdivided lot held in single ownership and being a lot of record at the date of adoption of this Title is indicated as being divided by the zoning boundary, the entirety of such lot shall be considered in the less restrictive district. For the purpose of this Title, the order of restrictiveness of districts from most restrictive to least restrictive shall be in the same order as in 10-3-1.
  - (F) Where unsubdivided property is indicated as being divided by a zoning boundary, the actual location of the zoning boundary shall be determined by use of the scale contained on such map.
  - (G) Where physical or natural features at the site are at variance with the Zoning Map, or in cases where the location of the zoning district line is not clarified by the foregoing, the Board of Appeals shall interpret the location of the zoning district line. (Ord. 78-31, 3-5-79)

## 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:

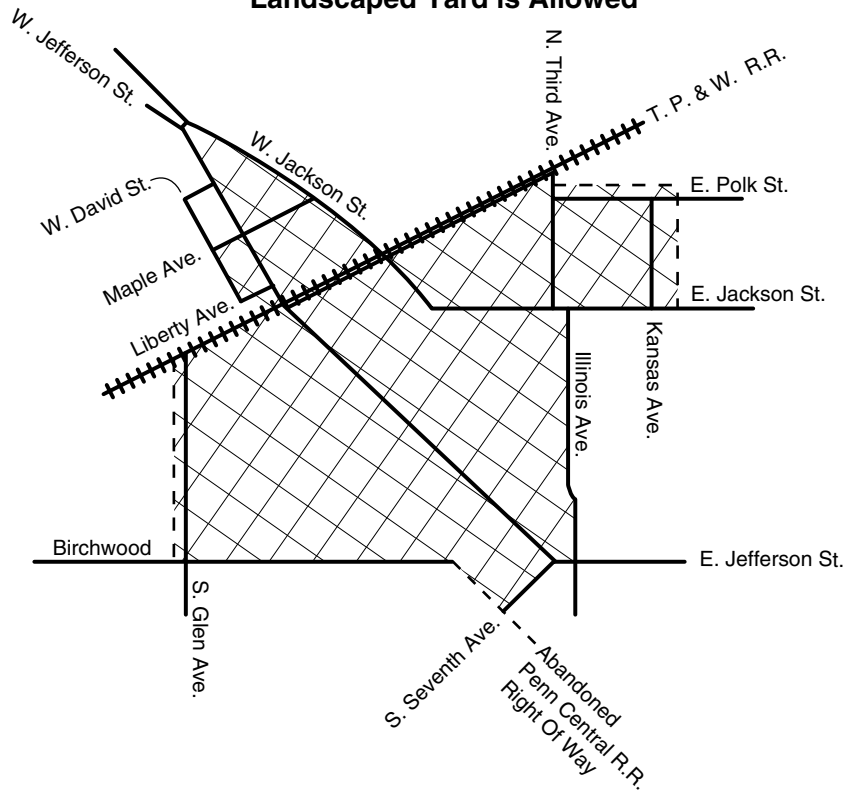
- (a) For access walks, drives, and parking areas not encroaching on the landscaped front yard, such pavements shall be no closer than ten feet (10') to the side property line and eight feet (8') to the rear property line in B-1 and B-2.
  - (b) For R-3, B-3, I-1, and I-2, pavement shall be no closer than ten feet (10') to the side and rear property lines.
  - (c) For B-3, I-1, and I-2, if there are walks, drives, or parking areas that were built in compliance with a lesser setback (but not as a result of a variance), then the setback for subsequent walks, drives, and parking areas may be the same as that in effect at the time of the prior construction.
  - (d) In all of the above cases, landscape screening shall be provided wherever pavement is closer than the building setback line.
  - (e) For adjacent one- (1) and two-family (2) residential structures, such pavements can extend to within five feet (5') of the side or rear property lines, and the landscape screening requirement is waived. Notwithstanding the foregoing, one- (1) and two-family (2) residential structures can only utilize the portion of the drive in the front yard, even though encroaching on the landscaped yard to partially meet the off-street parking requirements as provided in Section 10-8-6 of this Title. Notwithstanding the foregoing, common drives as recorded on plat to be shared by adjacent lots are permitted in side yards.
  - (f) No residential driveway shall exceed twenty four feet (24') in total width at the right-of-way line, except where a three (3) stall or larger garage is constructed. Then, in such case, the driveway may be thirty feet (30') in width at the right-of-way line, and the side and rear setback of five feet (5') must be observed. At the right-of-way line, driveway width may not exceed the width of the apron. (amd Ord. 05-31, 12-05-05)
  - (g) No driveway entrance shall be constructed closer than thirty five feet (35') to any intersection of residential streets and fifty feet (50') to any intersection involving collector or major streets.
  - (h) No more than one (1) driveway per dwelling unit shall be allowed. Notwithstanding the foregoing, for lots of a width of one hundred fifty feet (150') or more (meaning frontage on one street of at least that distance), one (1) circular drive per lot is allowable, provided that the total driveway width of both openings does not exceed thirty six feet (36') and that any one (1) opening does not exceed twenty four feet (24'). All circular driveways shall otherwise conform to the other requirements in this Section. In addition, any property backing on an alley which is driveable may maintain driveway access from both the alley and the fronting street. (amd. Ord. 00-12, 7-17-00; amd. Ord. 05-30, 12-05-05)
2. Parking Lot Light Poles: Parking lot light poles may extend an additional three feet (3') into the required landscaped yard setback. All outdoor lighting in any business or industrial district shall be installed so that lighting throw does not fall beyond any property line. (Ord. 98-4, 6-15-98; amd. Ord. 99-51, 03-20-00; amd. Ord. 02-26, 1-6-03)
  3. Bay Windows, Chimneys, Etc.: One story bay windows, chimneys, overhanging eaves, and gutters projecting no more than twenty four inches (24") into side yards nor more than thirty six inches (36") into front and rear yards. (amd. Ord. 07-22, 7-16-07)
  4. Open Fire Escapes: Open fire escapes, providing they do not project into required yards more than four and one-half feet (4 1/2').

5. Noise-Emitting Mechanical Equipment: In residential districts or on properties adjacent to residential districts, mechanical equipment emitting noise such as air-conditioning compressors and similar equipment may be located in side or rear yards but in no case any closer than twelve feet (12') to the side yard property line of the adjacent property, and in all instances so installed and directed to be of minimum annoyance to the adjacent property. (Ord. 78-31, 3-5-79; amd. Ord. 98-4, 6-15-98)
6. Accessory Uses or Buildings: Accessory uses and accessory buildings or structures are permitted subject to the following: (amd. Ord. 06-06, 5-15-06)
  - (a) They shall be located within the required rear yard, and shall maintain a side and rear setback of six feet (6') in residential districts and ten feet (10') in business districts, or the distance of an existing easement, whichever is greater. (amd. Ord. 06-03, 5-1-06)
  - (b) There may be two (2) accessory uses per lot, except that only one use may be a building, and the two (2) uses shall not be identical. For purposes of this limitation, a gazebo shall not be considered a building.
  - (c) The height of any building or structure shall not exceed thirteen feet (13') or the height of the primary structure, whichever is less. The area of any building or structure shall not exceed 1.6% of the lot area to a maximum of four hundred eighty (480) square feet. (amd. Ord. 99-42, 12-6-99)
  - (d) Any side or sides abutting a street shall be screened as follows: at the time of construction (or if weather requires, no later than six (6) months after construction), evergreens will be planted which shall be of a variety which, at maturity, shall grow together when planted ten feet (10') on center, and shall be at least five feet (5') in height when planted. If the rear yard is completely enclosed by a privacy fence six feet (6') in height, then the landscaping screening requirement shall be waived. (amd. Ord. 06-33, 11-6-06)
  - (e) The square footage of all uses permitted hereunder shall not exceed sixty percent (60%) of the actual rear yard.
  - (f) A patio or deck that is attached to the primary structure and which meets the required rear yard setback shall not be considered an accessory use. Should the patio or deck encroach into the required rear yard, subject to the other requirements of this Section, it shall be counted as one (1) accessory use. (Ord. 93-30, 3-21-94; amd. Ord. 98-4, 6-15-98)
7. Garages: A garage may replace an existing garage and shall be allowed in areas in which a reduced landscaped yard is allowed subject to the following:
  - (a) The garage shall not exceed twenty-four and one-half feet (24 1/2') in width or length.
  - (b) The new garage cannot be any closer to the rear or side lot line than the existing garage and in no event shall its wall be closer than two feet (2') or its eaves closer than one foot (1') from the side property line.
  - (c) Notwithstanding the other provisions of this Chapter, a driveway for a garage which meets the requirements of this Section may be located as close to the side property line as is allowed for the garage. (amd. Ord. 00-12, 7-17-00)



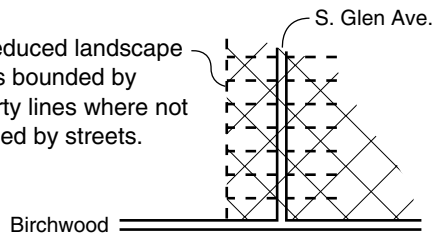
- (E) Front Yards To Be Measured From Edge Of Proposed Right Of Way: Where the street(s) upon which a property fronts is below the proposed right of way width, as indicated on the Morton Official Map, the required front yard shall be measured from the edge of the proposed right of way line which, unless otherwise indicated, shall be a line parallel to the edge of the existing right of way and set into the property a distance equal to one-half (1/2) the distance the existing right of way is below the proposed width.
- (F) Drives, Parking, And Loading Areas To Be Surfaced: All drives and parking areas are to be surfaced as follows:
1. For all uses except industrial uses, all drives, parking, and loading areas shall be hard surfaced with bituminous concrete or concrete.
  2. For industrial uses, the traveled area through the property shall be paved with bituminous concrete, concrete, A-3, or equivalent.
  3. All other drives, parking, loading, and storage areas for which hard surfaced paving is not required shall be graveled and maintained in a dust-free condition.
- (G) Landscaped Front Yards Required: All uses in all districts, except agricultural uses, shall maintain a landscaped yard twenty five feet (25') in depth measured from edge of proposed ROW, except those lots within the area indicated on the following map are required to provide a landscaped yard of ten feet (10') in depth as measured from the edge of the proposed ROW.

### Area in Which a Reduced Landscaped Yard is Allowed



#### Property Line Boundary Example

The reduced landscape area is bounded by property lines where not bounded by streets.



- (H) Landscaped Buffers Or Screening Required: Newly established industrial uses adjacent to or backing on residential or business districts, or newly established business uses adjacent to or backing on residential districts, or newly established multi-family uses adjacent to or backing on single-family uses, shall provide and continuously maintain on that property line a dense hedge, tree row, or other similar landscape device suitable to visually screen the differing types of adjacent uses from one another.
- (I) Obstructions To Visibility At Intersections Prohibited: On a corner lot, no obstruction to visibility shall be allowed within a triangular area formed by the intersecting property lines along the fronting streets and a straight line joining said lot lines at points the following distances from the intersection of such intersecting lot lines for types of streets as designated on the Official Map:
1. Twenty feet (20') for local streets, and
  2. Thirty five feet (35') for all other streets.
- This provision shall apply to obstructions on and after September 17, 2001.  
(amd. Ord. 01-17, 9-17-01)
- (J) Minimum Square Footage For Single-Family Residences: Any building used as a single-family residence shall contain on the ground floor eight hundred (800) square feet of livable floor space.
- (K) Zoning Of Bona Fide Agricultural Uses: Notwithstanding the above, none of the following regulations, with the exception of yard requirements, shall be applicable to bona fide agricultural uses. This shall not be construed, however, as eliminating the necessity of agricultural uses from applying for and obtaining the necessary building and zoning permits prior to construction, alteration, or moving of buildings. No fee, however, shall be required for a zoning permit for such bona fide agricultural uses. (Ord. 78-31, 3-5-79)
- (L) Satellite Dishes: A satellite antenna dish, which is defined as a device used for the reception of communications or other signals from orbiting satellites, is permitted in districts zoned R-S, R-1, R-2, and R-3, subject to the following conditions:
1. Dishes mounted on the ground level shall not exceed a height of twelve feet (12').
  2. Dishes mounted on the rooftop or chimney of a structure shall not be greater than two feet (2') in diameter, and the highest point of the dish shall not exceed thirty five feet (35') measured from the top to the curb level.
  3. The dish shall not contain any lettering other than that placed on same identifying the manufacturer and shall not otherwise be used for the display of messages.
  4. Ground-mounted dishes shall be located only in the rear yard and shall be subject to a ten foot (10') setback on the rear yard property line and a ten foot (10') setback on the side yard lot line. If an easement requires a greater setback than the foregoing, then the easement setback shall apply.
  5. Ground-mounted dishes shall be reasonably concealed from the view at ground level of adjacent properties on all sides, except the side to which the dish is directed to receive the signal. On that side the view shall be obscured to the extent possible without interfering with the reception of the signal. Fencing or landscape screening shall be used for such purpose subject to the general requirements for same as provided in other sections of this Code. Any landscape screening that is used must be planted within six (6) months of the date of the installation of the dish and must be continuously maintained. Any landscape screening that is used must be nondeciduous and must be of a minimum height of four feet (4') when planted. (Ord. 84-22, 3-4-85)

6. A ground-mounted dish shall be considered an accessory use. (Ord. 93-2, 5-17-93)
7. A satellite antenna dish may be used only if it is permanently affixed to the ground, rooftop, or chimney of a structure. Satellite antenna dishes may not be located or affixed to any movable object, including, but not limited to, motor vehicles, trailers, or other movable objects. The use of a satellite antenna dish on a temporary basis is expressly prohibited. (Ord. 84-22, 3-4-85; amd. Ord. 93-4, 5-17-93)

(M) One satellite antenna dish is permitted in districts zoned MH, B-1, B-2, B-3, I-1, or I-2. The satellite antenna dish may be located only on the rooftop or in the rear yard, shall be subject to all other zoning requirements and restrictions, and shall be subject to site plan review. (Ord. 83-4, 5-16-83)

(N) Swimming pools where permitted shall be subject to the following:

1. Each swimming pool shall conform to the requirements of an accessory use.
2. Surrounding each swimming pool, whether the pool be inground or above ground, there shall be erected an enclosure fence which shall be at least five feet (5') in height. A wall of at least five feet (5') in height is sufficient for one (1) or more sides of the enclosure. A screened-in patio area completely enclosing a pool shall be considered appropriate enclosure.

All existing swimming pools that have an enclosure fence of at least four feet (4') in height and/or walls of at least four feet (4') in height may remain in existence, and no modifications are needed to same. In such cases, said fences or walls may be repaired or maintained, but they shall not be replaced or moved from their present location.

3. The gates of the required fence shall be self-closing and have self-latching latches placed at least four feet (4') above the ground. The fence shall be so constructed as to not allow a five inch (5") diameter sphere to pass through the fence.
4. No pool, the construction of which is completed after the effective date of this Ordinance, shall be filled with water of a depth of two feet (2') or more until the enclosure required by this Section has been provided.
5. The enclosure required by this Chapter shall be installed around all existing pools no later than May 1, 1992, subject to the provisions of Subsection 2 of this Section. (Ord. 91-8, 7-15-91)
6. They shall be maintained in a reasonable state of repair and condition. Water shall not be allowed to become stagnant. (Ord. 13-18, 10-7-13)
7. If on July 15, 1991, there was a fence of at least thirty six inches (36") in height located around an existing swimming pool, then said existing fence shall only have to meet the four foot (4') height requirement if same is modified to said height prior to May 1, 1992. If said existing fence is not modified to four feet (4') prior to said date, then it must meet the five foot (5') height requirement after that date. (Ord. 91-12, 2-3-92)
8. If on March 3, 1997, there existed a swimming pool which had been constructed without external buttresses, but which otherwise met the definition of a swimming pool prior to March 3, 1997, then the owner of the property where said swimming pool is located shall have until May 1, 1998, to erect a fence on the property that is in compliance with the provisions of this Section. (Ord. 96-39, 3-17-97)

- (O) A semi-trailer, truck body, container, manufactured home, or trailer coach shall not be used as a storage structure other than as a temporary field office for contractors or on-site equipment storage on a permitted construction site, or in conjunction with the sale of goods or the manufacturing of goods by a business located on the site where such equipment is located. The use of such equipment as a storage structure is expressly prohibited. A trailer coach may be used by a bona fide not-for-profit organization in conjunction with the sale of merchandise, provided such does not exceed once a year for a period of thirty (30) consecutive days and is in a district zoned for business or industrial uses. Except to the extent allowed for a bona fide not-for-profit organization, a semi-trailer, truck body, container, manufactured home, or trailer coach shall not be used for the sale of merchandise.

A semi-trailer, truck body, or container may only be stored on a property that is used as a truck terminal or has a special use permit for contractor outdoor storage. A trailer coach or manufactured home may only be stored in a MH (mobile home) district.

(Ord. 00-57, 4-2-01)

Trucks and/or shipping containers may not be stacked. This provision applies to all districts where storage of truck and/or shipping containers is allowed, either as a permitted use or a special use. (amd. Ord. 05-04, 5-16-05)

- (P) A building permit (but no fee) shall be required for a play structure. With respect to the location of a play structure, the following criteria applies:

1. It must meet the required six feet (6') side and rear setbacks for accessory structures. (Ord. 06-05, 5-1-06)
2. It must be placed in the rear yard.

If a structure does not meet all of the criteria of a play structure, it shall be considered an accessory structure and shall be subject to all of the criteria of same, and a building permit fee shall apply. (Ord. 05-41, 2-6-06)

Notwithstanding the foregoing, no building permit fee shall be charged for any play structure that the owner of the property upon which it will be located, elects to have the structure considered as an accessory building. (Ord. 06-05, 5-1-06)

10-4-4: **LOTS OF RECORD:**

- (A) Single Ownership Lots Of Record: Single ownership lots of record at the date of adoption of this Title may be used for a permitted use providing the required area, lot width, and side or rear yards are not reduced to less than seventy five percent (75%) of the required dimensions. Use of lots of record requiring further reductions of yards may be approved by the Board of Appeals.
- (B) Adjoining Lots Of Record Under Single Ownership: When two (2) or more lots of record at the date of adoption of this Title, lacking the required area and dimension for a permitted use are contiguous and in single ownership, they shall be combined to the extent necessary to meet the zoning requirements for that district.

- (C) Buildings Under Construction Or Approved For Construction; Status Of Buildings On Previously Approved Plats: Buildings lawfully under construction or approved for such construction prior to the adoption of this Title shall not be required to modify or change the approved plans providing that such construction is completed within one year from the date of passage of this Title.

Building will be allowed to proceed on lots within plats having Village Board approval prior to the adoption of this Title, even though lacking the required area and dimensions, providing only that such construction is completed within five (5) years of the date of passage of this Title. (Ord. 78-31, 3-5-79)

10-4-5: **BUILDINGS, REQUIRED STREET, AND LOT RELATIONSHIPS:**

- (A) Buildings To Have Access To Public Streets: Except for private street planned developments and access easements as included on the approved plat, or as otherwise specifically provided for in this Title, every building shall be constructed upon a lot or parcel abutting a public street. (Ord. 78-31, 3-5-79)
- (B) Buildings On Zoning Lot: Except for planned developments, multifamily residential, multi-building institutional, commercial and industrial uses, and two (2) duplexes as provided in 10-5-4-B-3, every principal building erected or structurally altered shall be on a zoning lot, and in no case shall there be more than one (1) principal building per zoning lot. (Ord. 78-31, 3-5-79; amd. Ord. 83-15, 8-1-83; amd. Ord. 02-12, 7-1-02)
- (C) All towers or other structures that can or will accommodate a personal wireless service facility as defined in Title 13 Chapter 1, shall not be considered buildings for purposes of general height requirements. All such towers or structures shall be regulated pursuant to Title 13 Chapter 1 of this Code. Any height limitations shall be determined pursuant to the provisions in that Chapter. (amd. Ord. 00-52, 3-5-01)

10-4-6: **SITE PLAN REVIEW:**

- (A) Uses For Which Site Plan Review Is Required: In order to minimize adverse effects of any proposed development upon existing uses, to clarify the concept of a proposed development when seeking local building and zoning approvals, and to better conserve and enhance the visual environment of the Village, the following types of proposed uses or developments shall not be permitted without administrative site plan review and approval by the SPW.
1. All R-3 and R-4 residential, commercial, or industrial uses indicated as "permitted use" in the district in which located, and mobile home districts. (amd. Ord. 05-46, 3-6-06)
  2. Any special use for any zoning category. (Ord. 78-31, 3-5-79)
  3. Any property except that located in a district zoned R-1 (single family) and R-2 (two-family) within an interstate corridor shall also be subject to the provisions of Title 10, Chapter 4, Section 7. (Ord. 94-31, 5-15-95)
  4. Any large scale developments shall also be subject to the provisions of Title 10, Chapter 4, Section 11. (amd. Ord. 02-26, 1-6-03)
- (B) Site plans submitted for site plan review by the SPW shall include a hard paper copy, as well as a digital media copy in an ESRI Shapefile, or other computer readable format compatible with the Village of Morton mapping software, and shall be drawn to the following scales and include the following data:  
(amd. Ord. 05-46, 3-6-06)

1. A scale of not smaller than one inch equals fifty feet (1" = 50') for areas of fifteen (15) acres or less or where the longest dimension does not exceed eight hundred feet (800'); for all larger projects, one inch equals one hundred feet (1" = 100'), plan to show date, north point, and scale.
2. Property lines of the subject and abutting properties.
3. Location of existing and proposed structures, drives, and parking areas on the subject property and existing structures within one hundred feet (100') of the subject property.
4. Location, right-of-way width, and street width of abutting streets and alleys.
5. Landscaping and screening
  - (a) All landscape plans shall fully meet the following performance standards in order to receive approval from the Zoning Officer:
    - (1) Landscaping shall not hinder the vision of motorists and pedestrians necessary for safe movement into, out of, and within the site.
    - (2) Landscaping materials shall be selected and placed in such a manner so as not to interfere with or damage existing utilities.
    - (3) Landscaping materials shall be selected and placed so as not to inhibit the safe and enjoyable use of surrounding properties.
    - (4) Landscaping shall be selected and placed with a sensitivity toward the ultimate size to be achieved over time through growth of vegetation.
    - (5) Landscaping with thorns, berries, and other unsuitable characteristics shall be carefully placed to avoid potential harm to people or property on- and off-site.
    - (6) Weak wooded trees shall be used only where other species are not available.
  - (b) The amount of landscaping required shall be calculated by the point system hereinafter described. The requirements for any zoning lot shall be the total of all front yards. In calculating any requirement, a fraction of one-half (0.5) or greater shall be rounded up to the next whole number.

The following point allocations shall apply for all required landscaping:

<u>Tree Classification</u>	<u>Base Value</u>
Shade Tree	15 points
Evergreen Tree	15 points
Intermediate Tree	10 points
<u>Shrub Classification</u>	<u>Base Value</u>
Evergreen Shrubs	2 points
Deciduous Shrubs	1 point

At the time of planting, shade trees and intermediate trees shall have a caliper size of not less than two inches (2"). Evergreen trees shall be a minimum of five feet (5') in height and evergreen shrubs shall be a minimum of two feet (2') in height at the time of planting. (amd. Ord. 05-44, 2-6-06)

- (c) All developed zoning lots, other than those located within R-1 and R-2 zoning districts, shall have front yard landscaping installed, as provided for in this subsection. All yards, such as those on corner lots or irregularly shaped lots, which are adjacent to any street, road, or interstate highway, shall meet the landscaping requirements for front yards.
- (1) The number of points required for landscaping of front yards shall be based on the overall lot frontage, as measured along the property line, divided by two (2). For example, if the front yard lot frontage is two hundred twenty feet (220') in length, then the landscaping must generate one hundred ten (110) points.
  - (2) Not less than fifty percent (50%) of the points required for landscaping of front yards shall be achieved by utilizing plants from tree classification.
  - (3) Front yard landscaping shall be planted in the required front yard. If there is an additional area between the required front yard and the closest on-site parking lot or building, all or some of the required landscaping may be planted within such additional area upon approval by the Zoning Officer.
- (d) Screening requirements in accordance with Section 10-4-3-H of this Title shall meet the size requirements set forth in this section. The screening requirements shall be greater than landscaping requirements so as to achieve the desired visual barrier, as approved by the Zoning Officer.
- (e) Any landscaping materials required in this section which may, for any reason, die or fail to thrive shall be replaced with other landscaping materials having an equal or greater point value and similar characteristics as soon as good horticultural practice permits, though not to exceed six (6) months.
- (f) Landscaping shall be completed within one (1) year of the issue date of the building permit. If landscaping is not completed within the required time frame, then the procedure outlined in Section 4-1-7 of this Code shall be applied.  
(amd. Ord. 00-51, 3-19-01)
6. Names and addresses of the architect, engineer, landscape architect, planner, or designer responsible for the site plan.
  7. Location of utilities, existing and proposed, on the subject property and within one hundred feet (100') of the subject property.
  8. Location of existing storm water drainage conduits and ditches on the subject property and within one hundred feet (100') of the subject property.
  9. For the purposes of this section, decorative masonry shall consist of the following: brick, natural/native stone, split-faced block, ground-faced block, fluted block, glazed block, concrete mortarless veneer siding systems, exterior insulation and finish systems (EIFS), exposed aggregate concrete wall panels, pre-cast concrete wall panels that have been painted or stained, glass block, and simulated stone. Neither simulated panelized sheeting mechanically attached to the structure, nor painted and/or scored block, shall be considered decorative masonry.

The following materials are acceptable as decorative finishes for exterior walls that front a street or highway: glass, prefinished steel or aluminum, decorative masonry finishes, and wood (cedar, redwood, or cypress). In addition to these materials, all other building walls may be of concrete block, prefabricated exterior materials, and other similar materials, excluding non-coated galvanized siding.



In commercially zoned areas and the interstate corridor, there shall be a minimum percentage of decorative masonry and/or decorative finish required for exterior walls, as follows:

Street frontage, or any elevation with public access or facing a public parking lot:	A minimum of fifty percent (50%) decorative masonry with the remainder to be a decorative finish
Side or rear abutting an interstate:	A minimum of fifty percent (50%) decorative masonry, which must run the length of the building to a minimum of three feet (3') from grade level up
Side or rear adjacent to a residential area:	A minimum of fifty percent (50%) decorative finish
Side or rear not fronting a street or abutting a residential area:	No requirements

On all other projects requiring site plan review, there shall be thirty five percent (35%) of brick stone work or decorative masonry on the portion of the building fronting a street or highway.

The Board of Trustees may alter or waive the requirements subject to the following: suitable landscaping and an alternative material of decorative wood which is stained or painted. In allowing an altering or waiving of the requirements, the Board of Trustees may impose such additional conditions as it may deem appropriate.

The Board of Trustees may alter or waive the requirements for additions to existing buildings that at the time of the addition do not have the required brick stone work or decorative masonry or any building that is being remodeled, and may impose such conditions as it may deem appropriate in granting such waiver.

Notwithstanding the foregoing provisions, there shall be no requirement for brick stone work or decorative masonry for a metal-clad and station-type cubical switchgear, which includes equipment for the control and protection of apparatus used for power generation, conversion, and transmission and distribution. (amd. Ord. 04-03, 5-3-04; amd. Ord. 09-34, 12-21-09; amd. Ord. 13-34, 4-7-14)

10. Storm water detention plans and calculations.
11. Erosion control plans.
12. EPA water and sewer permit applications, as required. (amd. Ord. 05-46, 3-6-06)

(C) Review Of Site Plan: In reviewing site plans, the SPW shall consider:

1. Location of drives, ingress and egress points to public streets, and installation of sidewalks.
2. Traffic circulation and location of building, parking, loading, and storage areas within the site to ensure that use of the site creates minimum adverse effects on bounding streets and properties.
3. Less attractive or possible nuisance uses to be accommodated on the site which might require landscape screening or fencing. The SPW may require relocation of such uses to areas of the site where they will have less adverse visual or nuisance impact on surrounding properties and bounding roads.

4. Connection to Village utilities, storm water detention, and drainage.
5. 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, and offsets in elevation.

- (D) Superintendent Of Public Works' Action; Applicant's Petition To Village Board: Following the review, the SPW shall, by action, approve or disapprove the issuance of a zoning permit and shall notify the applicant and Zoning Enforcing Officer of his actions including, if disapproved, the reasons for disapproval. If approved, the Zoning Enforcing Officer shall issue the necessary permits providing the proposed structure or use is otherwise in compliance with regulations of the Village.

If the SPW disapproves the project or approves the project with conditions to which the applicant is not agreeable, the applicant may petition the Village Board for review of the project. The Village Board may concur or reverse the action of the SPW by a simple majority vote but shall take no action without receiving a written report from the SPW of the findings and action unless such report is not received within forty five (45) days of his action on the matter.

Site plans upon which issuance of zoning permits have been based after site plan review shall be filed in the office of the Zoning Enforcing Officer. Substantial variance from that site plan without concurrence of the SPW in carrying forth the proposed project shall be deemed to be a violation of this Title, subject to the penalties prescribed herein. (Ord. 78-31, 3-5-79; amd. Ord. 79-42, 4-7-80; amd. Ord. 94-4, 5-2-94; amd. Ord. 98-31, 12-21-98; amd. Ord. 00-35, 10-16-00; amd. Ord. 00-46, 12-18-00; amd. Ord. 02-34, 3-17-03; amd. Ord. 03-31, 11-17-03; amd. Ord. 03-39, 1-19-04)

10-4-7: **SITE PLAN REVIEW FOR INTERSTATE CORRIDOR:**

- (A) Purpose: This Section provides for additional requirements for all development within an interstate corridor, (except for areas zoned R-1 or R-2). 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.
- (B) Required Lot Size: The minimum lot size shall be forty three thousand five hundred sixty (43,560) square feet [one (1) acre] with a minimum frontage width (meaning width at the building setback line) of one hundred seventy five feet (175').
- (C) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements:
1. Front Yard: The front yard shall be at least equal to the building height, and in no case shall be less than forty five feet (45'), with a landscaped front yard of no less than thirty five feet (35').
  2. Side Yard: The side yard shall be not less than fifteen feet (15'). Where the side yard abuts the Interstate, it shall be forty five feet (45'), with a landscaped side yard of no less than twenty five feet (25').
  3. Rear Yards: The rear yard shall not be less than twenty feet (20'). Where the rear yard abuts the Interstate, it shall be forty five feet (45'), with a landscaped rear yard of no less than twenty five feet (25').

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.

(b) Not less than fifteen percent (15%) of the developed property shall be landscaped area. A landscaped area is a pervious surface of grass or mulch, and shall not include areas used for stormwater detention. Mulch area shall not be larger than necessary to protect trees, shrubs, and flowerbeds. A pervious surface is not paved or covered by a structure.

4. The minimum width of a curbed island on the interior shall be ten feet (10'), and the minimum size shall be one hundred (100) square feet.

Parking lot islands shall be curbed with concrete or a functionally equivalent material that must be approved by the Zoning Administrator. The following materials are not considered functionally equivalent to concrete curbs and are therefore unacceptable for use as curbs within the Village of Morton:

- (a) Landscaping timbers
- (b) Railroad ties
- (c) Wood/lumber
- (d) Concrete wheel stops

The intent of this provision is to break up large expanses of pavement and to provide shading by locating shade trees away from the perimeter and within the interior of parking lots.

5. Ninety-eight percent (98%) of all parking spaces shall be within seventy-five feet (75') of a shade tree trunk.
6. All trees must have a clear trunk of at least six feet (6') above the finished grade to allow vehicular circulation beneath the tree canopy.
7. All shrubs shall be of a variety that when fully grown will not exceed three feet (3') in height.

(F) Variances Expressly Prohibited: There shall be no variances from any of the provisions of this section. (Ord. 02-26, 1-6-03; amd. Ord. 03-31, 11-17-03)

10-4-12: **WIND ENERGY CONVERSION SYSTEM (WECS):**

- (A) All WECS that receive a special use shall be subject to all of the provisions of this Section.
- (B) In addition to the information required for any special use permit, the application shall include the following:
  1. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
  2. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code.
  3. Sufficient information demonstrating the system will be used primarily to reduce on-site consumption of electricity.

4. Written evidence that the electric utility service provider that serves the proposed site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan, and so states in the application, to connect the system to the electricity grid.
5. A visual analysis of the WECS as installed, which may include a computerized photographic simulation, demonstrating the visual impacts from nearby strategic vantage points. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project intended to lessen the system's visual prominence.

(C) All WECS shall adhere to the following standards:

1. No habitable structure shall be within 1.1 times the height of any tower used in the WECS from the property line where the WECS is located. (amd. Ord. 09-40, 2-1-10)
2. The system's tower and blades shall be painted a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporates non-reflective surfaces to minimize any visual disruption.
3. The system shall be designed and located in such a manner to minimize adverse visual impacts from public viewing areas (e.g. public parks, roads, trails).
4. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
5. All on-site electrical wires associated with the system shall be installed underground except for connections to a public utility company and public utility company transmission poles, towers, and lines. This standard may be modified by the Village Board if the project terrain is determined to be unsuitable due to reasons of excessive grading, ecological impacts, or similar factors.
6. The system shall be operated such that no disruptive electromagnetic interference is caused, nor can there be any interference to radio reception or television reception on any property. If it has been demonstrated that a system is causing harmful interference, the system operator shall promptly mitigate the harmful interference or cease operation of the system.
7. At least one (1) sign shall be posted on the tower at a height of five feet (5') warning of electrical shock or high voltage and harm from revolving machinery. No brand names, logo, or advertising shall be placed or painted on the tower, rotor, generator, or tail vane where it would be visible from the ground, except the system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
8. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
  - (a) Tower-climbing apparatus located no closer than twelve feet (12') from the ground.
  - (b) A locked anti-climb device installed on the tower.
  - (c) A locked, protective fence at least six feet (6') in height enclosing the tower.
9. Anchor points for any guy wires for a system tower shall be located within the property the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be enclosed by a fence six feet (6') high or sheathed in bright orange or yellow covering from three to eight feet (3 to 8') above the ground.

10. Construction of on-site access roadways shall be minimized. Temporary access roads utilized for initial installation shall be regraded and re-vegetated to the pre-existing natural condition upon completion of installation, and before the WECS is put into operation.
  11. To prevent harmful wind turbulence from existing structures, the minimum height of the lowest part of any horizontal axis wind turbine blade shall be at least thirty feet (30') above the highest structure or tree within a two hundred fifty foot (250') radius. Modification of this standard may be made when the applicant demonstrates a lower height will not jeopardize the safety of the wind turbine structure.
  12. All small wind energy system tower structures shall be designed and constructed to be in compliance with pertinent provisions of the International Building Code and National Electric Code.
  13. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of the rotor and over-speed control design and fabrication shall meet good engineering practices and be certified by the manufacturer.
  14. Noise levels shall be regulated by the Illinois Pollution Control Agency rules and regulations, and the applicant shall certify that applicant's facility is in compliance with the same.
  15. The general height limitations for a zoning district shall not apply to any WECS.
- (D) When a system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within one hundred twenty (120) days of the day on which the system last functioned. The owner is solely responsible for removal of the system and all costs, financial or otherwise, of system removal. The owner shall mean the owner of the property upon which the WECS is located.
- (E) All WECS shall be maintained in good and operable condition. A WECS that is not functional shall be repaired by the owner or removed. In the event the Village becomes aware of any system that is not operated for a continuous period of three (3) months, the Village will notify the landowner by registered mail and provide forty-five (45) days for a written response. The written response shall include reasons for the operational difficulty, the corrective actions to be performed, and a reasonable timetable for completing the corrective actions. If the Village deems the corrective actions and/or the timetable for completing corrective actions as unfeasible and/or unreasonable, the Village shall notify the landowner and such landowner shall remove the turbine within one hundred twenty (120) days of receiving said notice.
- (F) All WECS shall meet all applicable state and federal safety standards and, where applicable, all federal aviation requirements.
- (G) The Village shall require a certification, by a professional engineer qualified to give such certification, stating the WECS complies with all provisions of this ordinance and all applicable state and federal laws. The owner of the property upon which the WECS is located shall pay an annual fee of fifty dollars (\$50.00).
- (H) In addition to general conditions that apply to any special use request, the following shall also be applied and considered:
1. The height of the system relative to the size of the parcel on which the system is proposed to be located;
  2. The need for the proposed height of the system in order to allow the system to operate effectively;

3. The visual impact of the system on adjacent properties and the general area in which the system is proposed to be located;
4. The building density of the general area in which the system is proposed to be located;
5. Whether a substantial adverse effect on public safety will result from the height of the system or some other aspect of the system's design or proposed construction, but only if that aspect of design or construction is modifiable by the applicant.
6. The existing uses on adjacent and nearby properties. (Ord. 07-04, 5-7-07)

10-4-13: **DUMPSTERS:** Dumpsters may be used as follows:

- (A) There shall be no more than one (1) on the property.
- (B) The storage capacity shall not exceed thirty (30) cubic yards.
- (C) The dumpster shall be located as close as practical to the structure and shall not be put on the street or on any right-of-way.
- (D) If the dumpster is being used while the occupant is in the process of moving, it shall not be on the property for more than thirty (30) consecutive days or thirty (30) days in a calendar year.
- (E) If the dumpster is being used in conjunction with the construction, alteration, or renovation of a principle structure, it shall be removed immediately upon completion of the construction, alteration, or renovation. (Ord. 07-41, 10-1-07; amd. Ord. 14-11, 7-7-14)

10-4-14 **PORTABLE STORAGE UNITS:** Portable storage units may be used subject to the following:

- (A) There shall be no more than one (1) portable outdoor storage unit on a property. Stacking of portable outdoor storage units on top of each other is not permissible.
- (B) The property on which the portable storage unit is located must also have a principal building.
- (C) No portable outdoor storage unit shall remain on the property for more than thirty (30) consecutive days or more than a total of thirty (30) days in any calendar year.
- (D) Portable outdoor storage units shall not exceed one hundred twenty eight (128) square feet in size.
- (E) Portable outdoor storage units shall be placed only on a hard surface.
- (F) Portable outdoor storage units shall not be placed in any location that obstructs traffic visibility.
- (G) No permit or permit fee shall be required for any portable outdoor storage unit.
- (H) Portable outdoor storage units shall be maintained in good condition, free from rust, peeling paint, and other forms of visible decay. (Ord. 07-41, 10-1-07)

10-4-15 **SHELTERS/TENTS:** Shelters and tents are permitted if they are not to be used to store or shelter motor vehicles, boats, or any other personal property. (Ord. 07-41, 10-1-07)



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)





CHAPTER 5  
RESIDENTIAL DISTRICTS

## SECTION:

- 10-5-1: Purpose  
 10-5-2: R-S Residential Suburban District And Planned Residential Development District  
 10-5-3: R-1 One-Family And Planned Residential Development District  
 10-5-4: R-2 Two-Family And Planned Residential Development District  
 10-5-5: R-3 Multi-Family And Planned Residential Development District  
 10-5-6: R-4 Multi-Family And Planned Residential Development District  
 10-5-7: MH Mobile Home District  
 10-5-8: Planned Residential Developments

10-5-1: **PURPOSE:** The purpose of the residential district regulations herein included is to provide for a range of sound residential environments and housing opportunities compatible with the Comprehensive Plan of the community and appropriately related to the present street, highway, school, park, utility, police, fire, and other similar supporting facilities. (Ord. 78-31, 3-5-79)

10-5-2: **R-S RESIDENTIAL SUBURBAN DISTRICT AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT:**

(A) Permitted Uses:

1. Single-family dwellings.
2. Publicly owned parks and conservation areas.
3. Agricultural uses of not less than five (5) acres. The permitted agricultural uses are the growing of crops in the open and raising and feeding of stock and poultry, including farming, truck gardening, apiaries, aviaries, mushroom growing, nurseries, orchards, forestry, and fur farms and said use shall include the necessary structures and farm dwellings for those owning or operating on the premises.
4. Accessory buildings and uses.
5. One (1) unoccupied camper, camping bus, motor home, camping trailer, boat, boat trailer, house trailer, or similar vehicle, may be parked in the side yard or rear yard of a lot if it does not project beyond the front of the residence or garage. (Ord. 78-31, 3-5-79)
6. Community residence. (Ord. 89-19, 2-5-90)

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

1. Public, parochial, or private elementary, junior high, and high schools offering courses in general education.
2. Junior colleges, colleges, and universities.
3. Public or private country clubs or golf courses, but not lighted courses nor driving ranges.
4. Cemeteries.

5. Churches, temples, convents, and monasteries, but only when located on a collector, major road, or street as so designated on the Official Map of the Village of Morton.
6. Utility and public service buildings and uses.
7. Planned residential developments, as defined in Chapter 2 of this Title, subject to the review procedure and conditions as outlined in Section 10-5-8 of this Chapter. (Ord. 78-31, 3-5-79)
8. Day care centers and nursery schools. (Ord. 84-1, 5-21-84)
9. Outdoor recreation facilities. (Ord. 88-21, 4-20-87)
10. Borrow pits. (Ord. 86-23, 4-20-87)
11. Hospitals, sanitariums, rest homes, and retirement centers. (Ord. 88-27, 3-8-89; amd. Ord. 08-19, 10-6-08)
12. Festivals [not exceeding one (1) week in duration] on property where a special use for a public school offering courses in general education has been granted. (Ord. 99-20, 9-7-99)
13. Wind energy conversion system, provided it is on a lot of a size of five (5) acres or more. (Ord. 07-04, 5-7-07)

(C) Required Lot Area and Lot Width: Every building hereafter erected or structurally enlarged shall be on a lot having an area of not less than forty thousand (40,000) square feet and a width at the building line of one hundred fifty feet (150'), except for planned developments which shall meet the reduced requirements of Section 10-5-8 of this Chapter or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06)

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

1. Front Yard: No building shall be erected or enlarged without providing or maintaining a front yard of thirty five feet (35').
2. Side Yard: No building shall be erected or structurally enlarged without providing or maintaining combined side yards of thirty feet (30'). No single side yard shall be less than twelve feet (12').
3. Rear Yard: No building shall be erected or structurally enlarged without providing or maintaining a rear yard of twenty five feet (25').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.

(a) Front Yard Fences:

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

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

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

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

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

10-5-3: **R-1 ONE-FAMILY AND PLANNED RESIDENTIAL DEVELOPMENT DISTRICT:**

(A) Permitted Uses:

1. Single-family dwellings.
2. Agricultural uses consisting only of growing crops, truck gardening, and flower gardening.
3. Temporary construction buildings and uses at the construction site and only during the construction period.
4. Accessory buildings and uses.
5. One (1) unoccupied camper, camping bus, motor home, camping trailer, boat, boat trailer, house trailer, or similar vehicle may be parked in the side yard or rear yard of a lot if it does not project beyond the front of the residence or garage. (Ord. 73-31, 2-5-79; amd. Ord. 84-1, 5-21-84; Ord. 84-3, 6-18-84)
6. Community residence. (Ord. 89-19, 2-5-90)

(B) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title. (Ord. 73-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)

1. Any use permitted as a special use in the R-S and Planned Residential Development District, except outdoor recreation facilities and borrow pits. (Ord. 86-21, 4-20-87; amd. Ord. 07-09, 6-4-07)
2. Hospitals, sanitariums, rest homes, and retirement centers. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84; amd. Ord. 84-25, 4-15-85; amd. Ord. 08-19, 10-6-08)
3. Publicly owned parks.
4. Private recreation areas. (Ord. 78-31, 3-5-79; amd. Ord. 84-1, 5-21-84; amd. Ord. 84-3, 6-18-84)

- (C) Required Lot Area And Width: Every building hereafter erected or structurally enlarged shall be on a lot having an area of not less than seven thousand five hundred (7,500) square feet for interior lots and nine thousand five hundred (9,500) square feet for corner lots, and a width of the building line of not less than seventy five feet (75') for interior lots and not less than ninety five feet (95') for corner lots. Lots zoned R-1A shall have an area of not less than eight thousand (8,000) square feet and a width of not less than sixty five feet (65') at the building line. This requirement shall not apply to planned residential developments which shall meet the requirements of Section 10-5-8 of this Title or for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title. Any lots within one-half (1/2) mile of a livestock feeding operation that is in operation at the time of the platting of the lots, must be one (1) acre in size. (amd. Ord. 06-19, 7-10-06; amd. Ord. 12-14, 11-19-12)
- (D) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide or maintain the following yard requirements, except for lots of record which shall meet the reduced requirements of Section 10-4-4 of this Title and except for those general exceptions to yard requirements outlined in Section 10-4-3 of this Title.
1. Front Yard: No building shall be erected without providing or maintaining a front yard of thirty five feet (35') unless the depth of the lot is less than one hundred thirty five feet (135') in which case the front yard shall be no less than twenty five feet (25'). In the event the building is constructed in an established area on one side of the street between two (2) intersecting streets that is improved with buildings that have observed a front yard depth which is less than the thirty five feet (35') or twenty five feet (25') requirement, then in such established districts the front yard depth may be the same as, but no less than, the building immediately adjacent to either side of the proposed building.
  2. Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twenty feet (20') or twenty percent (20%) of the lot width as measured at the building line, whichever is less; no single side yard shall be less than seven feet (7').
  3. Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
  4. R-1A Front Yard: No building shall be erected without providing or maintaining a front yard of thirty five feet (35') unless the depth of the lot is less than one hundred thirty five feet (135') in which case the front yard shall be no less than twenty five feet (25').
  5. R-1A Side Yard: No building shall be erected or enlarged without providing or maintaining combined side yards of twelve feet (12'); no single side yard shall be less than six feet (6').
  6. R-1A Rear Yard: No building shall be erected or enlarged without providing or maintaining a rear yard of twenty five feet (25').
  7. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
    - (a) Front Yard Fences:
      - (1) Front Yard Fences on Interior Residential Lots: Ornamental fences not exceeding three and one-half feet (3 1/2') in height are permitted within the front yard. Enclosure fences are not permitted in front yards of interior lots.

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

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

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

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

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

(A) Permitted Uses:

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

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

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

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

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

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

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

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

(a) Front Yard Fences:

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

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

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

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

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

(A) Permitted Uses:

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

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

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

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

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



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

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

(a) Front Yard Fences:

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

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

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

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

(A) Permitted Uses:

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

2. Multi-family dwellings and apartments.

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

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

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

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

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

- (D) All mobile home courts shall be screened from public view by landscape screening as defined in Section 10-2-1 of this Title before a permit for occupancy is issued.
- (E) Accessory buildings and structures shall be permitted, subject to the following:
1. For purposes of this subsection, accessory buildings and structures shall include, but not be limited to, sheds, carports, porches, decks, or other additions or appurtenances to a manufactured home or mobile home.
  2. There shall be no more than two (2) accessory buildings or structures per mobile home or manufactured home lot.
  3. The height of any building or structure shall not exceed thirteen feet (13') or the height of the manufactured home or mobile home, whichever is less.
  4. The construction, reconstruction, repair, or replacement of an accessory building or structure shall be subject to all building regulations, including but not limited to any permit requirements, set forth in Title 4 of the Village of Morton Municipal Code.
- (F) All mobile homes, manufactured homes, and mobile home courts must comply with the provisions of Chapter 5 of Title 4 of the Village of Morton Municipal Code, and must obtain a development permit from the Flood Plain Administrator prior to placing, constructing, reconstructing, or relocating any mobile home, manufactured home, or accessory building or structure within a floodplain within the jurisdiction of the Village. (amd. Ord. 19-10, 8-20-18)

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

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

PLANNED RESIDENTIAL DEVELOPMENT	A “planned residential development” shall mean an area of land controlled by a single landowner to be developed as a single entity for a number of dwelling units and permanent open space to meet the stated purpose of this Section, the plan for which does not conform in lot size, bulk, type of dwelling, density, lot coverage, or required open space in any one residential district established by any other chapter of this Title.
LANDOWNER	The term 'landowner’ shall mean the legal or beneficial owner or owners of all the land proposed to be included in a planned residential development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than forty (40) years, or other persons having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this Section of the Zoning Ordinance.
COMMON OPEN SPACE	“Common open space” shall mean a specific parcel or area of the site in usable size and configuration, and well located in relation to other aspects of the site development plan, to accommodate permanent green space and/or recreation facilities for the common use and enjoyment of the residents. The Plan Commission, in its review, shall determine the appropriateness of the site or sites to be set aside for common open space in relation to the uses for which proposed. The common open space shall be in addition to open site area owned and utilized in common for building setting, walks, drives, etc., which is not in most instances in usable shape and configuration for recreational uses. (Ord. 78-31, 3-5-79)

(C) Minimum Area For Planned Residential Development: No Planned Residential Development shall be permitted for a property smaller than three and one-half (3.5) acres. For developments from three and one-half (3.5) acres to less than five (5) acres, the additional provisions of subparagraph (O) shall apply. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)

(D) Standards And Criteria Of Common Open Space: A plan that is not inconsistent with 1) the foregoing statement of purpose of planned residential developments; 2) the general standard as set out hereafter; or 3) the specific rules and regulations for planned residential development approval then in force, shall be deemed to be eligible for review for tentative approval, except as provided in subparagraph O. (amd. Ord. 07-38, 10-01-07)

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

1. Variety Of Housing Types Allowed: Regardless of the residential district in which it is located, the plan may provide for a variety of housing types.
2. Maximum Building Coverage: The total ground area occupied by buildings and structures shall not exceed forty percent (40%) of the ground area of the planned residential development.
3. Height Of Buildings: Height of buildings shall not be a basis for denial or approval of any plan, provided any structures in excess of thirty five feet (35’) shall be designed and platted to be consistent with the reasonable enjoyment of neighboring property.
4. Architectural Style: Architectural style of buildings shall not be a basis for denial or approval of a plan.
5. Non-Residential Uses: Non-residential uses of a religious, educational, or recreational nature may be incorporated in the proposed plan.

6. Allowable Dwelling Units:

- (a) Plans Not Increasing Dwelling Units: Any plan that does not propose to increase the number of dwelling units on the particular tract than would otherwise be allowed under the appropriate zoning district(s) in which the tract is included, shall not be disapproved insofar as intensity of use or number of dwelling units is concerned.
- (b) Plans Increasing Dwelling Units: In all residential districts, except the R-3 Districts, a plan may provide for a greater number of dwelling units on the particular tract than would otherwise be allowed under the appropriate zoning district(s) in which the tract is included, but if the number of dwelling units exceeds by more than thirty percent (30%) that permitted by the regulations otherwise applicable to the site, the landowner shall have the burden to show that such excess will not have an undue and adverse impact on existing public facilities and on the reasonable enjoyment of neighboring property. The Plan Commission, in determining the reasonableness of any further increase in the number of dwelling units over the allowable thirty percent (30%) increase, shall recognize that increased density may be compensated for by additional amenities in the site development, amount and proposed use, and the type of development and improvement to be provided the common open space, and location, design and type of dwelling units, and the nature and type of walks, bikeways and site landscaping to be carried out. In no case, however, shall the increased number of dwelling units exceed forty percent (40%) of the number that would be allowed on that particular tract under the appropriate zoning regulations.
- (c) Computing Allowable Dwelling Densities: For purposes of estimating allowable numbers of dwellings under the appropriate zoning districts, or the extent by which that number can be increased through planned residential development, the following shall be the basis which shall rule to determine number of dwelling units/gross acres of land. These factors shall be applied to total project acreage in the appropriate zone less the acreage for proposed major or collector streets:

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

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

- (E) Amount And Location Of Common Open Space: In each planned residential development, fifteen percent (15%) of the tract, but in no case less than one and one-half (1 1/2) acres, shall be provided for common open space, except as provided in subparagraph O. (Ord. 92-11, 8-17-92; amd. Ord. 07-38, 10-01-07)
- (F) Plan To Be Guaranteed By Covenants And Easements: The plan of the planned residential development may be accompanied by such proposed covenants, easements, and other provisions relating to the bulk, location, and density of the residential units, the provision of open space and public facilities as are necessary for the welfare of the planned residential development and not inconsistent with the best interests of the community.

- (G) Subdivision Regulations May Be Varied In A Planned Residential Development: The planned residential development may vary from the required standards for the arrangement and width of streets (but not quality of construction), provision and location of sidewalks and layout of parking areas (but not reduced requirement of parking spaces) and deviation from Village standards in street signs, street lighting, and other such improvements to comply with the character of the proposed development where it is found by the Planning Commission that adherence to such standards are not in the best interests of the residents of the planned residential development and that the modifications or variation from such regulations are not inconsistent with the best interests of the Village.<sup>1</sup>
- (H) Application For Tentative Approval Of Planned Residential Development:
1. Plan Commission May Establish Additional Rules For Review Of Planned Residential Developments: The Plan Commission may make such additional written general rules regarding general procedure and form of applications as it may determine, provided they are not inconsistent herewith.
  2. Filing Fee For Tentative Planned Residential Development Approval: The application for tentative approval shall be executed by or on behalf of the landowner and filed in duplicate with the Zoning Enforcing Officer accompanied by the appropriate filing fee payable to the Village of Morton. Said filing fee shall be used to partially defray the cost of the public hearing and any professional assistance utilized by the community in the review of the proposed project.<sup>2</sup>
  3. The Application For Tentative Approval Of A Planned Residential Development Shall Be Accompanied By The Following Materials:
    - (a) A boundary survey including a written legal description of the exact acreage for which the planned residential development is being proposed. Such map shall be at a scale of not smaller than two hundred feet to the inch (1" = 200') and prepared by a registered land surveyor or civil engineer.
    - (b) Topography and physical conditions map including two foot (2') contours, vegetation, drainage channels, unusable area due to soil conditions, drainage, etc., at a scale of not smaller than two hundred feet to the inch (1" = 200').
    - (c) A preliminary plan for the proposed project indicating: 1) the various major areas of the project for which varying types and densities of dwellings are proposed; 2) any proposed major traffic-carrying streets within the project area; 3) sites to be reserved for public open space, schools, parks, playgrounds, and churches; and 4) indication of directions of flow of storm drainage within, and at the points leaving the site and likely nearest connections to public sewer and water.
    - (d) A written report stating in detail the developer's intention in regard to development of the site including: 1) a written description of the type and number of dwelling units contemplated and the method of computing maximum allowable units; 2) projected resultant population; 3) expected number of elementary school children; 4) for projects for which development will occur over a period of years, a schedule showing the sequence of phases and the point in this phase-by-phase development progression at which common open space will be developed and committed to permanent open space use; and 5) a listing of the modifications to the existing zoning and subdivision standards otherwise applicable to the site.

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<sup>1</sup> Title 11 of the Morton Municipal Code.

<sup>2</sup> Section 10-11-9 of this Title.

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

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

1. All applicable provisions of this planned residential section of the Morton Zoning Ordinance have been met. Where there is any conflict of the planned development regulations with any other requirements of this Ordinance or the Subdivision Ordinance<sup>1</sup>, these regulations shall apply.
2. Road system and proposed method of disposing of sanitary sewage and storm drainage, and the provision of water supply are adequate.
3. Adequate provision has been made for open space areas, walkways, and parking areas.
4. The location of open space is well suited to the development and the open space or recreational uses it is to serve.
5. The applicant has indicated the method to be used to assure those areas shown on the plan will be irrevocably committed for the purpose that continuing maintenance will be assured by the method of ownership.
6. Adequate provisions will be made to guarantee the proposed development of the open space.
7. The cost of installing streets and utilities will be assured by a means satisfactory to the Village.

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

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

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<sup>1</sup> Title 11 of the Morton Municipal Code.



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

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

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

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

- (M) Status Of Plan After Tentative Approval:

1. Within ten (10) days after the action of the Village Board giving tentative approval to the proposed planned residential development, a copy of that action (or of the minutes containing that action) shall be certified by the Village Clerk and placed on file in the office of the Village Clerk. A certified copy of that action shall be mailed to the applicant.

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

(N) Final Plan/Final Plats:

1. An application for final approval may be filed for all the land included in a plan or for a section thereof. Said application for the initial section shall be filed with the Zoning Enforcing Officer within twelve (12) months of the date of tentative approval; final application for all sections must be filed within five (5) years of date of tentative approval. The application shall include such drawings, specifications, covenants, easements, and conditions and form of bond as currently required by the Village. In accordance with the schedule proposed in the application for tentative approval, the applicant may elect to have final approval of only a geographic section or sections of the land included in the plan and may delay, within the above time limits, applications for final approval of other sections. A public hearing on an application for final approval of the plan or section thereof by the Plan Commission shall not be required by ordinance, provided the plan, or the section thereof, submitted for final approval is in substantial compliance with the plan theretofore given tentative approval.
2. A plan submitted for final approval shall be deemed to be in substantial compliance with the plan previously given tentative approval provided any modification by the applicant of the plan as tentatively approved does not:
  - (a) Substantially vary the arrangement of area of varying dwelling types or densities;
  - (b) Substantially vary the location of collector roads or the points of ingress or egress of such roads at the boundaries of the site; or substantially vary the street widths of such roads;
  - (c) Vary the proposed gross residential density or intensity of use by more than five percent (5%) of the tentative plan, but not to exceed the maximum;
  - (d) Involve a reduction of the area set aside for common open space or substantially change the location or configuration of such open space.

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

3. Although a public hearing shall not be held on an application for final approval of a plan when said plans as submitted for final approval is in substantial compliance with the plan as tentatively approved, the burden shall nevertheless be upon the applicant to show the Plan Commission good cause for any variation between the plan as tentatively approved and the plan as submitted for final approval. In the event a public hearing is not required for final approval, and the application for final approval has been filed together with all drawings, specifications, and other documents in support thereof, and as required by the resolution of tentative approval, the Plan Commission shall, within forty five (45) days of such filing, grant such plan final approval; provided, however, that, in the event the plan as submitted contains variations from the plan given tentative approval but remains in substantial compliance with the plan as submitted for tentative approval, the Plan Commission may, after a meeting with the applicant, refuse to grant final approval and shall, within forty five (45) days from the filing of the application for final approval so advise the applicant in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. In the event of such refusal, the applicant may refile his application for final approval without the variations objected to by the Plan Commission at any time within which he shall be entitled to apply for final approval, or within forty five (45) additional days if the time for applying for final approval shall have already passed at the time when the Plan Commission advised the applicant that the variations were not in the public interest. If the applicant shall fail to refile within said period, he shall be deemed to have refused to accept such requirements and final approval shall be deemed to have been denied.
4. In the event the plan as submitted for final approval is not in substantial compliance with the plan as given tentative approval, as provided in Paragraph 2 of this Subsection (H), the Plan Commission shall, within forty five (45) days of the date the application for final approval is filed, so notify the applicant in writing, setting forth the particular ways in which the plan is not in substantial compliance. The applicant may either refile his plan in a form which is in substantial compliance with the plan as tentatively approved, or he shall file a written request with the Plan Commission that it hold a public hearing on his application for final approval. If the applicant wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within forty five (45) additional days if the time for applying for final approval shall have already passed at the time when the Plan Commission advised the applicant that the plan was not in substantial compliance. In the event the applicant shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the plan. Any such public hearing shall be held within forty five (45) days after request for the hearing is made by the applicant and notice thereof shall be given in the manner prescribed by law. Within forty five (45) days after the conclusion of the hearing, the Plan Commission shall, by resolution, either grant final approval to the plan or deny final approval to the plan.
5. Before final approval is granted by the Plan Commission, prior approval of the construction drawings for the public improvements must be obtained from the Department of Public Works.
6. A plan, or any section thereof, that has been given final approval by the Plan Commission shall note the approval of the Plan Commission and the certification of the Village Clerk and shall be filed of record forthwith in the office of the County Recorder before any development shall take place in accordance therewith.

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

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<sup>1</sup> See Title 11 of the Morton Municipal Code.

(O) Planned Residential Development 2:

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

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

CHAPTER 6  
**BUSINESS DISTRICTS**

## SECTION:

- 10-6-1: Purpose  
 10-6-2: B-1 Professional Office District  
 10-6-3: B-2 General Business District  
 10-6-4: B-3 Highway and Service Commercial District

10-6-1: **PURPOSE:** The purpose of the business districts, as outlined herein, is to accommodate businesses by the grouping of compatible businesses in areas well located to serve the needs of the individual businesses and those of the community so as to create convenience to the public, minimizing of traffic congestion, discouragement of unsightly and inefficient business development, and to promote business prosperity and shopping convenience. (Ord. 78-31, 3-5-79)

10-6-2: **B-1 PROFESSIONAL OFFICE DISTRICT:**

## (A) Permitted Uses:

1. Home, regional, district, and branch offices not to include retailing, wholesaling, trucking, manufacturing, or advertising signs or displays.
2. Offices for educational, fraternal, professional, and religious organizations.
3. Real estate and insurance company offices.
4. Offices of doctors, dentists, lawyers, architects, engineers, and similar professions.
5. Offices for governmental agencies.
6. Medical and dental clinics, excluding animal clinics or animal hospitals.
7. Barber and beauty shops.
8. In the Old Morton Business District, living quarters above or adjoining a business, not to exceed one (1) apartment. (Ord. 12-12, 9-4-12)

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

1. Hospitals and sanitariums, but not including animal hospitals. (Ord. 78-31, 3-5-79)
2. Rest homes, nursing and convalescent homes, and retirement centers.  
(Ord. 78-31, 3-5-79; amd. Ord. 84-25, 4-15-85)
3. Churches, convents, and monasteries.
4. Financial institutions and banks.
5. Day care centers. (Ord. 78-31, 3-5-79)

6. Living quarters above or adjoining businesses, living units to have a minimum of 500 square feet per unit. If the property is located within the Old Morton District as designated on the map in 10-8-9 of the Morton Municipal Code, the Special Use requirement for living quarters does not apply. (Ord. 78-31, 3-5-79; amd. Ord. 92-15, 9-8-92; amd. Ord. 12-12, 9-4-12; amd. Ord. 15-16, 2-1-16)
7. Borrow pits. (Ord. 86-23, 4-20-87)
8. Community activity center. (Ord. 94-13, 8-1-94)
9. Wind energy conversion system. (Ord. 07-04, 5-7-07)
10. Residential Treatment Center. (Ord. 07-37, 10-1-07)

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

1. Front Yard: The front yard shall be equal to the building height but in no case less than twenty five feet (25').
2. Side Yard: The side yard shall be not less than twelve feet (12') for each building of two and one-half (2 1/2) stories, plus six feet (6') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8') for each building of two and one-half (2 1/2) stories, plus four feet (4') for each story or portion of story above two and one-half (2 1/2) stories.
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
  - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
  - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

(D) Building Height: No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as a special use subject to the public hearing and other special permit procedure 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. (Ord. 78-31, 3-5-79)

(F) Required Construction Area And Composition: A building which is erected or enlarged shall conform to the following:

1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.

- (G) Interstate Corridor: In the event the property is located within an interstate corridor, then the required lot size, required yard area, driveways and parking areas, and building height shall be as set forth in Title 10, Chapter 4, Subsection 7(B), (C), and (D). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

10-6-3: **B-2 GENERAL BUSINESS DISTRICT:**

(A) Permitted Uses:

1. All uses permitted as a "permitted use" in the B-1 Professional Office District.
2. Banks, savings and loans, and other financial institutions.
3. Book and stationery stores.
4. Camera and photographic supply stores.
5. Candy and ice cream stores, including stores where commodities are produced on premises for sale exclusively on the premises.
6. Carpet and rug stores.
7. China and glassware stores.
8. Department stores.
9. Drugstores.
10. Dry cleaning and laundry pick-up stations.
11. Dry goods stores.
12. Electric and household appliance stores, including radio and television sales and repair.
13. Furniture stores, including upholstery when conducted as part of the retail operation and secondary to the principal use.
14. Garden supply stores.
15. Gift shops.
16. Haberdashery.
17. Hardware stores.
18. Hobby shops for retail of items to be assembled or used away from the premises.
19. Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
20. Jewelry stores, including watch repair.
21. Laboratories, medical, and dental research and testing.
22. Laundromats and dry cleaning machines with not more than three (3) employees.
23. Leather goods and luggage stores.

24. Libraries and reading rooms.
25. Liquor, beer, and wine outlets.
26. Musical instruments, sales and repair facilities.
27. Office supply stores.
28. Paint and wallpaper stores.
29. Pet stores, but not including outdoor kennels or runways.
30. Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
31. Post offices.
32. Public meeting halls.
33. Restaurants, tea rooms, and taverns (but not drive-in restaurants where food is provided to customers in cars).
34. Sales and display rooms.
35. Shoe stores and shoe repair.
36. Sporting goods store.
37. Supermarkets and retail food stores.
38. Tailor or dressmaking shops.
39. Telegraph, telephone, or utility offices.
40. Temporary outdoor demonstrations and exhibitions of merchandise primarily for outdoor use.
41. Theaters (not drive-ins).
42. Toy shops.
43. Variety shops. (Ord. 78-31, 3-5-79)
44. Printing and publishing having not more than fifteen (15) employees other than office and maintenance employees. (Ord. 84-2, 6-18-84)
45. Bed and Breakfast Establishments. (amd Ord. 09-20, 8-3-09)

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

1. Any use permitted as a special use in the B-1 Professional Office District.
2. Automobile service stations and public garages, including new and used car sales rooms.
3. Bus depots and cab stands.
4. Drive-in restaurants where food is provided to customers in cars.



5. Frozen food stores, including locker rental in conjunction therewith.
6. Funeral homes, mortuaries, and crematories.
7. Radio and television broadcasting studios and transmitting towers.
8. Restricted production and repair, limited to the following: art, needlework, clothing, custom manufacturing, and alterations for retail only, jewelry from precious metals, watches, dentures, and optical lenses.
9. Service, cleaning, or repair shops for personal, household, or garden equipment.
10. Veterinarian or animal hospital without outdoor kennels or runways.
11. Food processing and retail sales.
12. Retail sale of automobile supplies and auto parts. (amd. Ord. 01-28, 11-5-01)
13. Restaurants, taverns, and similar establishments serving alcoholic liquors with an outdoor eating, drinking, or seating area. (amd. Ord. 08-44, 4-20-09)
14. Car Washes. (amd. Ord. 13-31, 3-3-14)
15. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)
16. Firearm firing range. (amd. Ord. 17-03, 6-5-17)

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

1. Front Yard: The front yard shall equal the building height but in no case less than twenty five feet (25'), except for new B-2 business development located within the defined area for which reduced landscaped yards are required in Section 10-4-3. New business uses within this area need to provide a front yard of only ten feet (10').
2. Side Yard: The side yard shall be a minimum of ten feet (10') for buildings of two and one-half (2 1/2) stories or less, unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Ten foot (10') side yard is minimum required side yard for buildings of two and one-half (2 1/2) stories or less where buildings are separated. For unattached building of more than two and one-half (2 1/2) stories, the side yard shall be increased five feet (5') for each story or portion of story above two and one-half (2 1/2) stories.
3. Rear Yard: The rear yard shall be not less than eight feet (8').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
  - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
  - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

- (D) **Building Height:** No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35'), except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as 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. (Ord. 78-31, 3-5-79)
- (F) **Required Construction Area And Composition:** A building which is erected or enlarged shall conform to the following:
1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
  2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- (G) **Interstate Corridor:** In the event the property is located within an interstate corridor, then the required lot size, required yard area, and driveways and parking areas, shall be as set forth in Title 10, Chapter 4, Subsections 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

10-6-4: **B-3 HIGHWAY AND SERVICE COMMERCIAL DISTRICT:**

- (A) **Permitted Uses:**
1. All uses permitted as a "permitted use" in the B-1 Professional Office District and in the B-2 General Business District.
  2. All other retail stores, shops, and service establishments not permitted in the B-1 or B-2 Districts, including those uses specifically mentioned below and providing within enclosed buildings except as noted below, not however, to include uses involving any manufacturing or processing except as expressly permitted below.
  3. Automobile supplies and auto parts.
  4. Auto washing establishments.
  5. Boat sales.
  6. Bowling alleys.
  7. Branch banks.
  8. Catering establishments.
  9. Clubs, lodges, fraternal and business organization meeting halls, and recreational facilities.
  10. Drive-in food, refreshment, and other business establishments servicing customers in parked cars.
  11. Dry cleaning and laundry establishments.

12. Earth moving and material handling indoor equipment displays and sales rooms.
13. Exterminating shops.
14. Farm supplies (not to include outdoor storage of farm equipment).
15. Feed stores.
16. Garages for repair and servicing of automobiles and trucks (but not to include outdoor storage other than vehicles awaiting repair or pick-up).
17. Machinery sales (not to include outdoor storage of machinery).
18. Motels and hotels.
19. Printing and publishing having not more than twenty five (25) employees other than office and maintenance employees.
20. Roller rinks and ice skating rinks.
21. Service, cleaning, or repair shops for personal, household, or garden equipment.
22. Sheet metal shops.
23. Storage, warehousing, and wholesale establishments provided carried out within enclosed buildings.
24. Veterinarian or animal hospital without outdoor kennels or runways.
25. Welding shops.

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

1. Any use permitted as a special use in the B-2 General Business District.
2. Any of the foregoing uses where outdoor storage of products or goods used or sold on the premises is a necessary part of the operation.

In making its recommendation to the Village Board to permit special uses involving outdoor storage areas, the Plan Commission shall require such outdoor storage areas, except those for the display of sale items, be located at least seventy feet (70') from the nearest collector or major street, highway, or interstate highway, as defined on the "Official Map" of the Village, and to be so located on the site and screened from public view from such streets and highways to the fullest extent possible. Such screening shall be by landscape screening or by a screening fence appropriately located, and as defined in Chapter 2 of this Title.

3. Automobile sales, including lots for the outdoor storage and display of new or used automobiles.
4. Building material establishments for the sale of dimensioned lumber, millwork, cabinets, and other building materials, provided no milling, planing, jointing, or manufacturing of millwork shall be conducted on the premises.

5. Cartage and express facilities, including the storage of goods, motor trucks, and other equipment.
6. Contractor's or construction offices and shops, such as building, concrete, electrical, masonry, printing, plumbing, refrigeration, and roofing, including any related outdoor storage areas.
7. Earthmoving and material handling equipment, including lots for the outdoor storage and display of such equipment.
8. Farm machinery and supplies, including lots for the outdoor storage and display of new or used farm equipment.
9. Mobile home and recreational vehicle sales and storage, not, however, to include the storage or parking of occupied mobile homes or recreational vehicles.
10. Monument sales, including outdoor storage and display of monuments.
11. Storage and warehousing involving outdoor storage.
12. Outdoor recreation facilities.
13. Fuel sales (not bulk plants) except where retail sales are incidental to another permitted use. (amd. Ord. 01-28, 11-5-01)
14. Lumber yards. (amd. Ord. 02-34, 3-17-03)
15. School bus storage yards and related buildings. (Ord. 13-07, 7-1-13)

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

1. Front Yard: The front yard shall equal the building height but in no case shall it be less than forty five feet (45'), except that on the west side of Detroit Avenue south of Birchwood Street, the minimum front yard shall be sixty feet (60').
2. Side Yard: The side yard shall be a minimum of ten feet (10') unless an existing adjoining property provides no side yard, in which case the property need provide no side yard. Where adjoining structures are not attached, the side yard for a building of two and one-half (2 1/2) stories shall be a minimum of ten feet (10'). For each story or portion of story above two and one-half (2 1/2) stories, the side yard shall be increased by five feet (5').
3. Rear Yard: The rear yard shall be a minimum of twenty feet (20').
4. Fences: Ornamental and enclosure fences meeting the required conditions are exempt from the specific yard requirements as noted.
  - (a) Ornamental fences not exceeding six feet (6') in height are permitted within the front yard. Enclosure fences are not permitted in front yards.
  - (b) Ornamental and enclosure fences not exceeding six feet (6') in height are permitted in the side and rear yards. (amd. Ord. 08-30, 12-1-08)

- (D) **Building Height:** No building shall be erected or enlarged to exceed a height of two and one-half (2 1/2) stories or thirty five feet (35') except for those general exceptions to height limitations listed in Section 10-4-3. Buildings of up to five (5) stories or seventy feet (70') in height may be permitted as 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:** Off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)
- (F) **Required Construction Area And Composition:** A building which is erected or enlarged shall conform to the following:
1. It shall rest upon footing or foundation. This shall not be construed to prohibit pole buildings or post frame buildings if set in concrete.
  2. It shall have sanitary facilities which comply with all other requirements of the Morton Municipal Code. This provision shall not apply to those buildings used exclusively for storage or warehousing.
- (G) **Interstate Corridor:** In the event the property is located within an interstate corridor, then the required lot size and required yard area size shall be as set forth in Title 10, Chapter 4, Subsection 7(B) and (C). The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)



## CHAPTER 7

**INDUSTRIAL DISTRICTS**

## SECTION:

- 10-7-1: Purpose
- 10-7-2: I-1 Restricted Industrial District
- 10-7-3: I-2 General Industrial District
- 10-7-4: Performance Standards In Industrial Districts
- 10-7-4.1: Noise
- 10-7-4.2: Smoke and Particulate Matter
- 10-7-4.3: Toxic or Noxious Matter
- 10-7-4.4: Odors
- 10-7-4.5: Fire and Explosion Hazards
- 10-7-4.6: Vibration Limitations
- 10-7-4.7: Glare or Heat Limitations

10-7-1: **PURPOSE:** The purpose of the manufacturing districts is to provide locations for industries, compatible with one another and with their surroundings to add to the economic well being of the community by providing employment and industrial real estate tax base yet doing so in a manner that minimizes adverse effects such as traffic, noise, vibration, smoke, dust, heat, glare, fire hazards, and similar effects. (Ord. 78-31, 3-5-79)

10-7-2: **I-1 RESTRICTED INDUSTRIAL DISTRICT:**

## (A) Permitted Uses:

1. Light manufacturing, fabricating, assembling, packaging, repairing, servicing, and processing of materials, goods, and products provided entirely within enclosed buildings.
2. Agricultural implement service and sales lots.
3. Bottling plants, creameries, or dairies.
4. Research and testing laboratories.
5. Public utility stations, distribution centers, and regulator stations.
6. Wholesale outlets, storage, and warehousing. (amd. Ord. 02-34, 3-17-03)

## (B) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title: (Ord. 78-31, 3-5-79)

1. Any use not listed above which is permitted as a "permitted use" or a "special use" in the B-1, B-2, or B-3 districts, except a community activity center. (Ord. 94-13, 8-1-94)
2. Storage, sale, distribution, or primary usage of explosive, highly flammable, highly toxic, or radioactive materials.
3. Bus or truck garages and storage yards.

4. Open air storage, including automobile wrecking yards. In making its recommendation to the Village Board to permit special uses involving outdoor storage areas, the Plan Commission shall require such outdoor storage areas, except those for the display of sale items, be located at least seventy feet (70') from the nearest collector or major street, highway, or interstate highway as defined on the "Official Map" of the Village, and be so located on the site and screened from public view from such streets and highways to the fullest extent possible. Such screening shall be by landscape screening or by a screening fence appropriately located, and as defined in Chapter 2 of this Title.
5. Airports and landing strips.
6. Wind energy conversion system. (Ord. 07-04, 5-7-07)
7. Firearm resale shop. (amd. Ord. 17-03, 6-5-17)
8. Firearm firing range. (amd. Ord. 17-03, 6-5-17)

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

1. Front Yard: The front yard shall be twice the height of the portion of the building nearest the street line but in no case less than sixty feet (60').
2. Side Yard: The side yard shall not be less than forty feet (40').
3. Rear Yard: The rear yard shall not be less than forty feet (40').
4. Exceptions To Side And Rear Yard Requirements: Where either side or rear property line is adjacent to a railroad spur to be used for loading or unloading directly to or from a building, no side or rear yard shall be required in those instances. (Ord. 78-31, 3-5-79)
5. Fences And Lighting: Industrial security fences only and lighting shall be allowed on the side and rear yard property lines except where the side or rear yard property line is adjacent to a street or highway, except that this provision shall not apply to any requirements of a special use under Subsection (B) of this Section. Any lighting erected pursuant to the provisions of this Section shall be such that it does not flash, scintillate, move, or otherwise create a hazardous or annoying glare. (Ord. 79-44, 4-21-80)

(D) Building Height: No building shall be erected or enlarged to exceed seventy feet (70') in height, except for those general exceptions to height limitations listed in Section 10-4-3.

(E) Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)

(F) Interstate Corridor: Notwithstanding the foregoing provisions, in the event the property is located within an interstate corridor, then with respect to rear yards, the provisions of Title 10, Chapter 4, Subsection 7(C)3 shall apply. With respect to required lot size, the provisions of Title 10, Chapter 4, Subsection 7(B) shall apply. The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

10-7-3: **I-2 GENERAL INDUSTRIAL DISTRICT:**

(A) Permitted Uses:

1. All uses permitted as "permitted uses" in the I-1 District.



2. Any manufacturing, fabricating, assembling, and processing of materials and products not permitted in the I-1 District but which do not exceed the industrial performances standards included in this Section, except that uses permitted in the I-1 District as “special uses” shall be permitted in the I-2 District only as special uses. (Ord. 78-31, 3-5-79)
  3. Motor freight terminals. (Ord. 79-28, 10-1-79)
- (B) Special Uses: The following uses are permitted subject to the public hearing and other special permit procedure requirements as outlined in Chapter 10 of this Title:
1. Uses permitted in the I-1 District as “special uses.”
  2. Manufacturing or processing requiring large quantities of water, producing large quantities of waste materials, or which involve the disposal into public sewers of any quantities of toxic, noxious, corrosive, or explosive materials, or otherwise hazardous materials.
  3. Extraction and processing of stone, sand, and gravel, including the necessary processing and loading equipment and structures.
  4. Processing of animal and vegetable products such as tanneries, distilleries, breweries, rendering plants, plants for the production of glue, soap, paint, or varnish.
  5. Manufacturing of coal, tar, petroleum, and asphalt products. (Ord. 78-31, 3-5-79)
  6. A motor freight terminal with employee sleeping accommodations. (Ord. 82-32, 4-4-83)
- (C) Required Yard Areas: Every building hereafter erected or structurally enlarged shall provide the following yard requirements except for lots of record which shall meet the reduced requirements of Section 10-4-4 and except for those general exceptions to yard requirements as outlined in Section 10-4-3.
1. Front Yard: The front yard shall be twice the height of the portion of the building nearest the street line but in no case less than sixty feet (60’).
  2. Side Yard: The side yard shall not be less than forty feet (40’).
  3. Rear Yard: The rear yard shall not be less than forty feet (40’). (Ord. 78-31, 3-5-79)
  4. Fences And Lighting: Industrial security fences only and lighting shall be allowed in the side and rear yard property lines except where the side or rear property line is adjacent to a street or highway, except that this provision shall not apply to any requirements of a special use under Subsection 10-7-3(B). Any lighting erected pursuant to the provisions of this Section shall be such that it does not flash, scintillate, move, or otherwise create a hazardous or annoying glare. (Ord. 79-45, 4-21-80)
- (D) Building Height: No building shall be erected or enlarged to exceed seventy feet (70’) in height.
- (E) Required Off-Street Parking And Loading: Required off-street parking and loading shall be provided as outlined in Chapter 8 of this Title. (Ord. 78-31, 3-5-79)
- (F) Interstate Corridor: Notwithstanding the foregoing provisions, in the event the property is located within an interstate corridor, then with respect to rear yards, the provisions of Title 10, Chapter 4, Subsection 7(C)3 shall apply. With respect to required lot size, the provisions of Title 10, Chapter 4, Subsection 7(B) shall apply. The provisions of Title 10, Chapter 4, Subsection 7(G) shall also apply. (Ord. 94-31, 5-15-95)

10-7-4: **PERFORMANCE STANDARDS IN INDUSTRIAL DISTRICTS:**

10-7-4.1 **NOISE:**

- (A) **Application Of Noise Performance Standards:** Any use established in an Industrial District shall be so operated as to comply with the performance standards governing noises set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with or further conflict with the performance standards governing noise established hereinafter for the district in which such use is located. Objectionable sounds of an intermittent nature shall be controlled so as not to become a nuisance to adjacent use.
- (B) **Method Of Measurements Of Noise Levels:** Sound levels shall be measured with a sound-level meter and associated octave band filter, manufactured in compliance with standards described by the American Standards Association. Measurements shall be made using the flat network of the sound level meter. Impulsive type noises shall be subject to the performance standards hereinafter prescribed provided that such noises shall be capable of being accurately measured with such equipment. Noises capable of being so measured shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
- (C) **Limitations On Noise Levels In I-1 And I-2 Districts:** At no point on the boundary of a residence or business district shall the sound intensity level of any individual operation or plant (other than the operation of motor vehicles or other transportation facilities) exceed the decibel levels in the designated octave bands shown in Table 1 set forth hereinafter for districts indicated:

TABLE 1

Octave Band  (Frequency, cycles/sec.)	Maximum Permitted Sound Level (decibels)	
	Along R District Boundaries	Along B District Boundaries
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	52	59
600 to 1,200	46	53
1,200 to 2,400	40	47
2,400 to 4,800	34	41
Above 4,800	32	39

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

In the event property has been rezoned from a non-residential use to a residential use, and that property is adjacent to property in an I-1 or I-2 district, the maximum permitted sound level in the industrial district shall remain the standard for property adjacent to B district boundaries. (amd. Ord. 01-27, 11-5-01)

10-7-4.2: **SMOKE AND PARTICULATE MATTER:**

- (A) Application Of Smoke And Particulate Matter Performance Standards: Any use established in an Industrial District shall be so operated as to comply with the performance standards governing smoke and particulate matter set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing smoke and particulate matter established hereinafter for the district in which such use is located.
- (B) Method Of Measurement Of Smoke And Particulate Matter And General Limitations:
1. For the purpose of grading the density of smoke, the Ringelmann Chart, published and used by the U.S. Bureau of Mines, shall be employed. The emission of smoke or particulate matter of a density greater than No. 2 on the Ringelmann Chart is prohibited at all times except as otherwise provided hereinafter.
  2. The emission from all sources within any lot area of particulate matter containing more than ten percent (10%) by weight of particles having a particle diameter larger than forty four (44) microns is prohibited.
  3. Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, roads, and the like within lot boundaries, shall be kept to a minimum by appropriate landscaping, paving, oiling, fencing, or acceptable means. Emission of limitations specified hereinafter is prohibited.
- (C) Limitations On Smoke And Particulate Matter:
1. Smoke And Particulate Matter In I-1 Districts: The emission of more than sixty (60) smoke units per hour per stack is prohibited, including smoke of density in excess of Ringelmann No. 2. However, during three (3) one (1) hour periods in each twenty four (24) hour day, each stack may emit up to seventy two (72) smoke units when blowing soot or cleaning fires. Only during fire cleaning periods, however, shall smoke of Ringelmann No. 3 be permitted, and then for not more than four (4) minutes.
 

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of one pound (1 lb) per acre of lot area during any one (1) hour, after deducting from the gross hourly emission per acre the correction factors set forth in Tables 2, 3, and 4 following for height, velocity, and temperature of emission, respectively. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

    - a. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
    - b. From each gross hourly rate of emission derived in Step 1a above, deduct the appropriate correction factor (interpolating as required) for height, velocity, and temperature of emission set forth in Tables 2, 3, and 4, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
    - c. Add together the individual net rates of emission derived in Step 1b above, to obtain the total net rate of emission from all sources of emission within the boundaries of the lot. Such total shall not exceed one pound (1 lb) per acre of lot area during any one (1) hour.

TABLE 2

ALLOWANCE FOR HEIGHT OF EMISSION\*

Height of Emission Above Grade (feet)	Correction Lbs./hr./acre
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

TABLE 3

ALLOWANCE FOR VELOCITY OF EMISSION\*

Exit Velocity Feet/Second	Correction Lbs./hr./acre
0	0.0
20	0.03
40	0.09
60	0.16
80	0.24
100	0.50

TABLE 4

ALLOWANCE FOR TEMPERATURE OF EMISSION\*

Temp. of Emission (Degrees Fahrenheit)	Correction Lbs./hr./acre
200	0.0
300	0.001
400	0.002
500	0.003
1000	0.01
1500	0.04
2000	0.10

\*Interpolate for intermediate values not shown in table.

2. Smoke And Particulate Matter In I-2 Districts: The emission of more than seventy six (76) smoke units per hour per stack is prohibited, including smoke of a density in excess of Ringelmann No. 2. However, during six (6) one (1) hour periods in each twenty four (24) hour day, each stack may emit up to one hundred twelve (112) smoke units, blowing soot and for cleaning fires. During fire cleaning periods only, smoke of a density of Ringelmann No. 3 shall be permitted and then not for more than six (6) minutes per period.

The rate of emission of particulate matter from all sources within the boundaries of any lot shall not exceed a net figure of three (3) pounds per acre of lot area during any one (1) hour, after deducting from the gross hourly emission per acre the correction factors set forth in Tables 5, 6, and 7 following for height, velocity, and temperature of emission, respectively. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:

- a. Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
- b. From each gross hourly rate of emission derived in Step 2a above, deduct the appropriate correction factor (interpolating when necessary) for height, velocity, and temperature of emission set forth in Tables 5, 6, and 7 which follow, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
- c. Add together the individual net rates of emission derived in Step 2b above, to obtain the total net rate of emission within the boundaries of the lot. Such total shall not exceed three pounds (3 lb) per acre during any one (1) hour.

TABLE 5

## ALLOWANCE FOR HEIGHT OF EMISSION\*

Height of Emission Above Grade (Feet)	Correction Lbs./hr./acre
50	0.0
100	0.5
150	0.8
200	1.2
300	2.0
400	4.0

TABLE 6

## ALLOWANCE FOR VELOCITY OF EMISSION\*

Exit Velocity Feet/Second	Correction Lbs./hr./acre
0	0.0
20	0.3
40	0.8
60	1.2
80	1.6
100	2.4

TABLE 7

## ALLOWANCE FOR TEMPERATURE OF EMISSION\*

Temperature of Emission (Degrees Fahrenheit)	Correction Lbs./hr./acre
100	0.0
200	0.0
300	0.005
400	0.01
500	0.02
1000	0.10
1500	0.30
2000	1.0

\* Interpolate for intermediate values not shown in table.

10-7-4.3: **TOXIC OR NOXIOUS MATTER:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing emission of toxic or noxious matter set forth hereinafter. No use shall for any period of time discharge across the boundaries of the lot wherein it is located, toxic or noxious matter in such concentrations as to be detrimental to or endanger the public health, safety, comfort, or welfare or cause injury or damage to property or business.

10-7-4.4: **ODORS:** Any use established in an industrial district shall be operated as to comply with the performance standards governing odorous materials set forth hereinafter. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing odorous materials established hereinafter.

In all industrial districts, the emission of odorous matter in such quantities as to produce nuisance or hazard beyond lot lines is prohibited. In determining such offensive odors, Table III (Odor Thresholds) in Chapter 5 of the Air Pollution Abatement Manual (copyright 1951) by Manufacturing Chemists Assoc., Inc., Washington, D.C. shall serve as a guide.

10-7-4.5: **FIRE AND EXPLOSION HAZARDS:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing fire and explosive hazards set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with or further conflict with the performance standards governing fire and explosive hazards established hereinafter for the district in which such use is located.

Limitations On Fire And Explosion Hazards:

(A) Fire Hazards In I-1 Districts: The storage, utilization, or manufacture of materials or products ranging from incombustible to moderate-burning as determined by the Zoning Enforcing Officer, is permitted subject to compliance with all other regulations of this Title.

The storage, utilization, or manufacture of materials, goods, or products ranging from free or active-burning to intense-burning, as determined by the Zoning Enforcing Officer, is permitted subject to compliance with all other regulations of this Title, and provided the following conditions are met:

1. Said materials or products shall be stored, utilized, or produced within completely enclosed structures having fire resistive construction.
2. All such structures shall be set back at least forty feet (40') from all lot lines; or, in lieu thereof, all such structures shall be protected throughout by an automatic sprinkler system (or carbon dioxide system of equal protection) complying with installation standards prescribed by the National Fire Protection Association.

(B) Explosion Hazards In I-1 Districts: Manufacture or processing of materials or products which produce flammable or explosive vapors or gases at ordinary weather temperatures shall not be permitted except when such materials are used in secondary processes or are required in emergency or stand-by equipment; but their storage for use as power or heating fuels shall be permitted if in conformity with standards prescribed by the National Fire Protection Association and with applicable requirements embodied in regulations promulgated by the State of Illinois Department of Public Safety.

- (C) Fire Hazards In I-2 Districts: In I-2 Districts, the utilization or manufacture of materials or products which produce flammable or explosive vapors or gases under ordinary weather temperatures shall be permitted provided that:
1. The use and storage of such materials shall be in conformity with standards prescribed by the National Fire Protection Association and with applicable requirements embodied in the regulations promulgated by the State Department of Public Safety.
  2. No more than two hundred thousand (200,000) gallons of such materials or products shall be stored or in process within three hundred feet (300') of an I-2 District boundary (excluding underground storage and excluding storage of finished products in original sealed containers).
- (D) Explosion Hazards In I-2 Districts: Manufacture or processing in which a major raw material, component, or product produces explosive vapors or gases under ordinary weather temperatures shall not be permitted in this District except such materials as are used or required in emergency or stand-by equipment or in secondary processes auxiliary to the principal operation such as paint spraying of finished products and comparable auxiliary heating fuels shall be permitted if in conformity with standards prescribed by the National Fire Protection Association and with applicable requirements embodied in regulations promulgated by the State of Illinois Department of Public Safety.

10-7-4.6: **VIBRATION LIMITATIONS:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing vibration set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing vibration established hereinafter for the district in which such use is located.

- (A) Vibration Limitations In I-1 Districts: Any process or equipment which produces intense earth-shaking vibrations such as are created by heavy drop forges or heavy hydraulic surges shall be set back at least five hundred feet (500') from the property boundaries on all sides. However, in no case shall such vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.
- (B) Vibration Limitations In I-2 Districts: Any process or equipment which produces intense earth-shaking vibrations such as are created by heavy drop forges or heavy hydraulic surges shall be set back at least three hundred feet (300') from the boundary of a residence or business district and at least one hundred fifty feet (150') from the boundary of an I-1 District, unless such operation is controlled in such a manner as to prevent transmission beyond property boundaries of earth-shaking vibrations perceptible without the aid of instruments.

10-7-4.7: **GLARE OR HEAT LIMITATIONS:** Any use established in an industrial district shall be so operated as to comply with the performance standards governing glare or heat set forth hereinafter for the district in which such use shall be located. No use already established on the effective date of this Title shall be so altered or modified as to conflict with, or further conflict with, the performance standards governing glare or heat established hereinafter for the district in which such use is located.

- (A) Glare And Heat Limitations In I-1 Districts: Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines.
- (B) Glare And Heat Limitations In I-2 Districts: Any operation producing intense glare or heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard along lot lines. (Ord. 78-31, 3-5-79)





## CHAPTER 8

**OFF-STREET PARKING AND LOADING**

## SECTION:

- 10-8-1: Purpose
- 10-8-2: Procedure
- 10-8-3: General Requirements Applying To Both Off-Street Parking And Loading
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- 10-8-5: Location Of Required Off-Street Parking
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- 10-8-9: Special Parking Provisions For Old Morton District

10-8-1: **PURPOSE:** The purpose of this Chapter is to alleviate or prevent congestion of the public streets by establishing minimum requirements for off-street parking and loading of motor vehicles in accordance with the use to be made of the property.

10-8-2: **PROCEDURE:** For all uses except one (1) and two (2)-family residential structures, an application for a building permit for a new or enlarged building, structure, or use shall include a plot plan drawn to scale and fully dimensioned showing any parking or loading facilities to be provided to meet the requirements specified herein.

10-8-3: **GENERAL REQUIREMENTS APPLYING TO BOTH OFF-STREET PARKING AND LOADING:**

- (A) **General Application:** No buildings or structures shall be erected or land uses initiated after the effective date of this Title without providing accessory off-street parking and loading as required herein.
- (B) **Buildings Under Construction:** Buildings lawfully under construction or approved for construction prior to the adoption of this Title shall not be required to modify or change the approved plans for off-street parking and loading, provided that such construction is completed within one (1) year from the date of passage of this Title.  
(Passage date, March 5, 1979)
- (C) **Reduction In Parking Or Loading Need:** When a building or structure shall undergo any decrease in number of dwelling units, gross floor area, seating capacity, number of employees, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said decrease would result in a requirement for fewer total parking or loading spaces through application of the provisions of this Chapter, parking and loading facilities may be reduced accordingly, provided that existing parking or loading facilities remaining would at least equal the parking or loading requirements resulting from application of the provisions of this Chapter to the entire building or structure as modified.
- (D) **Increase In Parking Or Loading Need:** When a building or structure shall undergo any increase in the number of dwelling units, gross floor area, seating capacity, or other unit of measurement specified hereinafter for required parking or loading facilities, and further, when said increase would result in a measurement for additional parking or loading spaces through application of the provisions of this Chapter thereto, parking and loading facilities shall be increased to accommodate only the additional need as a result of such change.

- (E) Existing Parking Or Loading Not To Be Reduced: Accessory off-street parking and loading spaces in existence on the effective date of this Title may not be reduced in number unless already exceeding the requirements of this Chapter for equivalent new construction; in which event, said spaces shall not be reduced below the number required herein for such equivalent new construction.
- (F) Parking And Loading For Reconstructed Nonconforming Uses: Any nonconforming building, structure, or use in existence on the effective date of this Title shall, if partially destroyed by fire, collapse, or other cause and permitted to rebuild or reconstruct under appropriate provisions of this Title, provide off-street parking and loading equivalent to those maintained prior to such damage being sustained.
- (G) Schedule Of Requirements For Off-Street Parking And Loading; Requirements For Uses Not Specified: Schedule for requirements for the number of off-street parking and loading spaces for various uses is provided in this Chapter.<sup>1</sup> The parking and loading requirements for any use not specified shall be the same as the use in this table most closely approximating the proposed use.

10-8-4: **ADDITIONAL REGULATIONS APPLYING TO OFF-STREET PARKING ONLY:**

- (A) Limitation Of Residential Off-Street Parking: Residential off-street parking limited to uses for which required off-street parking accessory to residential uses and provided in accordance with the requirements of this Chapter shall be used solely for the parking of vehicles of the owners, occupants, or guests of the property to which said parking is accessory.
- (B) Joint Or Shared Off-Street Parking: Off-street parking for different buildings, structures, or uses may be provided collectively, provided the total number of spaces will equal the total requirements for all such uses sharing the parking facility.
- (C) Guarantee Of Off-Site Parking: When required, off-street parking is to be provided elsewhere than on the lot on which the principal use is located, the control and continuing availability of the off-site parking will be guaranteed either by deed or long term lease, and the owner shall be bound by covenants properly recorded, requiring the owner, his or her heirs and assigns, to maintain the required number of parking spaces during the existence of the principal use.
- (D) Districts In Which Off-Site Parking Is Permitted: Accessory parking facilities, when provided elsewhere than on the same zoning lot, shall adhere to the following requirements:
1. No parking facilities accessory to an apartment use shall be located in an R-1 or R-2 Residential District, except as included in a planned residential development.
  2. No parking facilities accessory to a business or industrial use shall be permitted in a residential district, except for adjacent lots approved by special permit as outlined in Chapter 10 of this Title; no parking accessory to an industrial use shall be permitted in a business district, except as approved by special permit as outlined in Chapter 10 of this Title.

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<sup>1</sup> Sections 10-8-6 and 10-8-8 of this Chapter.

(E) Location And Layout Of Off-Street Parking:

- Plans for the layout of off-street parking shall be in accordance with the following minimum requirements:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width of One (1) Tier of Spaces Plus Maneuvering Lane	Total Width of Two (2) Tiers of Spaces Plus Maneuvering Lane
0° <sup>1</sup>	12 ft.	8 ft.	23 ft.	20 ft.	28 ft.
45°	12 ft.	8 ft. 6 in.	20 ft.	32 ft.	52 ft.
60°	15 ft.	8 ft. 6 in.	20 ft.	36 ft 6 in.	58 ft.
90° <sup>2</sup>	20 ft.	9 ft.	20 ft.	40 ft.	60 ft.

<sup>1</sup> Parallel Parking  
<sup>2</sup> Perpendicular Parking

- Interpretation of fractional parking spaces resulting from the application of the parking schedule shall be as follows: less than one-half (1/2) parking space shall be disregarded; fractions of one-half (1/2) or more shall be considered as one parking space.
- All spaces shall be provided adequate access by means of internal maneuvering lanes. Backing onto a street shall be prohibited.
- Adequate ingress and egress to the parking lot by means of clearly defined drives shall be provided. Parking lot entrances and exits shall be at least twenty five feet (25') distant from any adjacent residential district.
- No off-street parking shall be permitted in the required landscaped yard, except for one (1) on-driveway parking space per dwelling for one (1) and two (2)-family structures. Parking is permitted in the required front, side, or rear yards as specified in permitted exceptions to yard requirements in Chapter 4 of this Title.
- Off-street parking areas are to be surfaced in accordance with the requirements of Chapter 4 of this Title.
- Landscaped buffers or screening, as defined in Chapter 2, is required for parking areas extending into the required side or rear yards, as provided in Chapter 4. Landscaped buffers or screening is required for off-street parking areas for any business or industrial use along any side adjoining a residential district and for any apartment use along any side adjoining an R-1 or R-2 District.
- Lighting to illuminate parking areas shall be so arranged as to direct lighting away from adjoining properties.

10-8-5: **LOCATION OF REQUIRED OFF-STREET PARKING:** The off-street parking facilities required for the uses mentioned in the schedule of parking requirements in this Title (Section 10-8-6 following), and for other similar uses, shall be on the same lot or parcel of land as the use they are intended to serve, but in case of non-residential uses when practical difficulties prevent their establishment upon the same lot, the required parking facilities shall be provided within three hundred feet (300') of the premises to which they are appurtenant. Said distance shall be the walking distance between the nearest point of the parking area to the nearest entrance of the building the parking is to serve.

10-8-6: **SCHEDULE OF PARKING REQUIREMENTS:**

(A) Parking Required For Residential Uses:

1. One-family dwelling Two (2) parking spaces. Garage and drive shall each be considered as one (1) parking space each for single-family residential uses only.
2. Two-family dwelling Two (2) parking spaces per dwelling unit. Garage and drive shall be considered as one parking space each.
3. Multi-family residential One and one-half (1 1/2) parking spaces for each dwelling unit having one (1) bedroom. Two (2) parking spaces for each dwelling unit having two (2) or more bedrooms.
4. Elderly housing One (1) space for each three (3) units, plus one (1) space for each employee.
5. Mobile home parks One and one-half (1 1/2) spaces for each mobile home site, plus one (1) space for each employee.
6. Lodging, boarding, One (1) space for each three (3) guests and rooming houses at maximum capacity, plus one (1) space for the owner or manager.

(B) Parking Required For Institutional Uses:

1. Churches or temples One (1) space for each four (4) seats in the main worship hall.
2. Elementary and junior high schools<sup>1</sup> One (1) space for each teacher, employee, or administrator in addition to requirements of auditorium.
3. Fraternities, sororities, and dormitories One (1) parking space for each five (5) active members, plus one (1) additional space for the manager.
4. Medical and dental clinics Five (5) parking spaces per doctor and one (1) space for each doctor and employee with offices at the clinic.
5. Nursery schools, day nurseries ,or child care centers One (1) space for each employee plus two (2) additional visitor spaces. Such facilities must also provide an off-street sheltered or canopied area for loading and unloading of children from vehicles.
6. Nursing and convalescent homes and hospitals One (1) space for each four (4) beds, plus one (1) space for each staff and visiting doctor, plus one (1) space for each three (3) employees.
7. Private clubs and lodges (without sleeping accommodations) One (1) parking space for each four (4) members of the total membership or one (1) space for each four hundred (400) square feet of floor area in the building, whichever is larger.

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<sup>1</sup> For senior high schools, see Section 10-8-6(B)10. For auditoriums, see Section 10-8-6(B)1.

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| 8. Private golf, swimming, tennis club, or similar uses | One (1) space for each four (4) family or individual memberships, plus spaces required for accessory uses such as bar and restaurant areas.        |
| 9. Public golf courses <sup>1</sup>                     | Six (6) spaces for each golf hole, plus spaces required for accessory uses.  |
| 10. Senior high schools <sup>2</sup>                    | One (1) space for each teacher, employee, or administrator and one (1) space for each ten (10) students in addition to requirements of auditorium. |
| 11. Stadium, sports arena, auditoriums, and gymnasiums  | One (1) space for each five (5) seats or ten feet (10') of benches.  |

(C) Parking Required For Business And Commercial Uses:

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| 1. Planned commercial or shopping center   | One (1) space for each two hundred (200) square feet of usable floor area or retail area.                  |
| 2. Beauty parlor or barber shop  | One and one-half (1 1/2) spaces for each barber or beauty chair.   |
| 3. Bowling alleys  | Four (4) spaces for each bowling lane, plus spaces required for accessory uses such as bar and restaurant. |
| 4. Convention halls, dance halls, skating rinks, assembly or exhibition halls, or other similar places of assembly without fixed seats | One (1) parking space for each one hundred (100) square feet of usable floor area used for assembly.       |
| 5. Establishments handling the sale and consumption, on the premises, of alcoholic beverages, food, or refreshments                    | One (1) parking space for each one hundred (100) square feet of floor area.                                |
| 6. Furniture and appliance shops, household equipment, and repair or machinery shops   | One (1) parking space for each six hundred (600) square feet of floor area.                                |
| 7. Gasoline service stations   | One (1) space for each lubrication or stall, plus one (1) space for each two (2) attendant-serviced pumps. |

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<sup>1</sup> For miniature golf courses, see Section 10-8-6(C)9

<sup>2</sup> For elementary and junior high schools, see Section 10-8-6(B)2. For auditoriums, see Section 10-8-6(B)11.

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| 8. Laundromats and coin-operated dry cleaners       | One (1) space for each two (2) washing or cleaning machines.   |
| 9. Miniature or "par 3" golf courses <sup>1</sup>   | Three (3) spaces for each hole, plus one (1) for each employee.  |
| 10. Mortuaries                                      | One (1) space for each one hundred (100) square feet of floor area.  |
| 11. Motel, hotel, or other similar uses             | One (1) space for each occupancy unit, plus one (1) space for each owner and employee, plus spaces as required herein for accessory uses such as bar and restaurant. |
| 12. Motor vehicle sales and service                 | One (1) space for each four hundred (400) square feet of salesroom, plus one (1) space for each auto service stall.  |
| 13. Retail stores not specifically designated above | One (1) parking space for each one hundred fifty (150) square feet of retail floor area.   |
| 14. Theaters, indoor                                | One (1) space for each five (5) seats, plus one (1) space for each two (2) employees.  |
| 15. Theaters, outdoor                               | Stacking space equal to ten percent (10%) of capacity.   |

(D) Parking Required For Offices And Financial Institutions:

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| 1. Banks, savings and loan                 | One (1) space for each four hundred (400) square feet of usable floor area or customer service area. |
| 2. Other business and professional offices | One (1) space for each two hundred fifty (250) square feet of floor area.                            |

(E) Parking Required For Industrial Uses:

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| 1. Manufacturing and industrial uses, research and testing laboratories, dry cleaning, printing binding, publishing, assembly of materials and products, and other similar uses | One (1) parking space for every one and one-half (1 1/2) employees on the largest shift, including office workers. |
| 2. Warehouse and storage uses   | One (1) parking space for every employee in the largest shift, including office workers.                           |

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<sup>1</sup> For private golf courses, see Section 10-8-6(B)8; for public golf courses, see Section 10-8-6(B)9.

10-8-7: **ADDITIONAL REGULATIONS APPLYING TO OFF-STREET LOADING ONLY:**

- (A) Location And Layout Of Off-Street Loading: Off-street loading spaces shall be as provided in the schedule of off-street loading requirements.<sup>1</sup> An off-street loading berth shall be a hard-surfaced area of land open or enclosed, other than a street or public way, used principally for the standing, loading, or unloading of motor trucks, tractors, and trailers so as to avoid undue interference with public streets and alleys. Loading spaces, where required, shall be not less than ten feet in width, forty five feet in length and fourteen feet in height (10' x 45' x 14'), exclusive of access aisles and maneuvering space. Plans for location and layout of off-street loading areas shall meet the following minimum requirements:
1. Loading berths shall be no closer than one hundred feet (100') to an adjoining residential zoning district unless completely screened along that adjoining side by a building wall not less than eight feet (8') in height.
  2. Location of loading berths shall meet the minimum requirements of Chapter 4 of this Title so vehicles parked in such space shall not obstruct the visibility at intersections.
  3. Loading berths open to the sky may be located in any required side or rear yard, provided that loading berths within one hundred feet (100') of residential districts are enclosed as specified above; loading berths shall not be located in front yards.
  4. Interpretation of fractional loading berth spaces resulting from the application of the schedule of off-street loading requirements shall be as follows: less than one-half (1/2) loading berths shall be disregarded; fractions of one-half (1/2) or more shall be considered as one (1) loading berth.
  5. Off-street loading areas are to be surfaced in accordance with the requirements of Chapter 4.

10-8-8: **SCHEDULE OF OFF-STREET LOADING REQUIREMENTS:**

- (A) For all property uses where loading or unloading of materials and merchandise is an essential part of such business, the following requirements shall apply:
1. Hospitals, sanitariums, and clinics      One (1) off-street loading space for the first forty thousand square feet (40,000) of gross floor area, plus one (1) additional space for each one hundred fifty thousand square feet (150,000) of gross floor area.
  2. Retail shops, bowling alleys, taverns, and restaurants      One (1) off-street loading space for each structure containing ten thousand (10,000) to one hundred thousand (100,000) square feet of gross floor area, plus one (1) additional space for each one hundred thousand (100,000) square feet of gross floor area in excess of one hundred thousand (100,000) square feet.
  3. Office buildings, including banks, business, and professional offices      One (1) off-street loading space for each structure containing forty thousand (40,000) to one hundred thousand (100,000) square feet of gross floor area plus one (1) additional space for each one hundred thousand (100,000) square feet of gross floor area in excess of one hundred thousand (100,000) square feet.

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<sup>1</sup> See Section 10-8-8 of this Chapter.

4. Furniture and appliance outlets, motor vehicle sales, wholesale stores, household equipment, or machinery sales      One (1) off-street loading space for each building of eight thousand (8,000) to twenty five thousand (25,000) square feet of gross floor area, plus one (1) space for each twenty five thousand (25,000) square feet of gross floor area in excess of twenty five thousand (25,000) square feet.
5. Manufacturing, research and testing laboratories, laundry and cleaning plants, printing, binding and publishing, warehouse and storage, processing and distribution of materials and products (Ord. 78-31, 3-5-79)      One (1) off-street loading space for each ten thousand (10,000) to forty thousand (40,000) square feet of gross floor area, plus one (1) space for each sixty thousand (60,000) square feet of gross floor area in excess of forty thousand (40,000) square feet.

10-8-9: **SPECIAL PARKING PROVISIONS FOR OLD MORTON DISTRICT:**

- (A) Old Morton District Area: See map on following page.
- (B) All business zoned properties in the Old Morton District are exempt from the parking requirements of 10-8-6. (amd. Ord. 10-14, 8-2-10)







## CHAPTER 9

**SIGN REGULATIONS**

## SECTION:

10-9-1:	Purpose
10-9-2:	Definitions
10-9-3:	General Application Of Sign Regulations; Building Permit Required
10-9-4:	General Regulations For Signs
10-9-5:	Sign Regulations Within Residential Districts
10-9-6:	Sign Regulations Within Business Districts
10-9-7:	Sign Regulations Within Industrial Districts
10-9-8:	Murals
10-9-9:	Application Of Other Laws
10-9-10:	Severability Clause
10-9-11:	Violation And Penalty

10-9-1:     **PURPOSE:** The following regulations are provided to maintain the attractiveness and orderliness of the appearance of the Village and to protect the public safety.

10-9-2:     **DEFINITIONS:**

ADVERTISING SIGN:	Any sign, including the supporting structure, which directs attention to a business, service, or activity not conducted upon the premises, or a product not offered or sold upon the premises where such a sign is located.
ATTACHED SIGN:	A sign permanently affixed to the exterior surface of a building. No attached sign shall project further than twelve inches (12") from said building.
BANNER:	A type of sign. If it is not more than 16 square feet, it shall not be counted against the allowable sign area for a property. If it is greater than 16 square feet, it shall. (amd Ord. 11-30, 1-3-12)
BACK-TO-BACK SIGN:	A structure with two (2) parallel and directly opposite signs with their faces oriented to opposite directions. Back-to-back signs may be separated by not more than four feet (4'). A back-to-back sign shall constitute one sign.
BUSINESS SIGN:	A sign, including any supporting or framing structure, which directs attention to a business or profession conducted upon the premises or to a commodity, service, or entertainment sold or offered upon the premises on which the sign is located.
DIRECTIONAL SIGN:	An on premises sign giving directions, which may contain the name or logo of an establishment, but not contain any advertising copy. (Ord. 99-36, 11-15-99)
FREE-STANDING SIGN:	Any sign permanently erected on a free-standing framework supported and affixed by one or more uprights or braces in or upon the ground.
ILLUMINATED SIGN:	Any sign which has characters, letters, figures, designs, or outline illuminated by electric lights or luminous tubes.
PERSON:	Any person, firm, partnership, association, corporation, company, or organization of any kind.

**POLITICAL SIGN:** A temporary sign used in connection with a local, state, or national election or referendum. (Ord. 99-36, 11-15-99)

**PORTABLE SIGN:** Any sign not classified as an attached or free-standing sign or a vehicle sign or a banner. (amd. Ord. 07-03, 5-7-07; amd. Ord. 11-30, 1-3-12)

**SIGN AREA:** The area encompassed within the shortest line drawn around the perimeter of the display, message, or wording, including all letters and designs which are part of the sign; including border and trim, but excluding bases, aprons, supports, and other structural members; whichever is greater. The total allowable sign area for a property includes the total of both business and advertising signs. The terms "sign area" and "gross sign area" are used interchangeably. (amd. Ord. 99-36, 11-15-99)

**VEHICLE SIGN:** A sign located on a vehicle or trailer. (Ord. 07-03, 5-7-07)

**10-9-3: GENERAL APPLICATION OF SIGN REGULATIONS; BUILDING PERMIT REQUIRED:** No sign, outdoor advertising structure, or display of any character shall be permitted except in conformity with the following regulations. A building permit is required for erection, construction, placement, or replacement of any sign to be permanently attached to a building or to be permanently erected as a free-standing sign.

**10-9-4: GENERAL REGULATIONS FOR SIGNS:**

- (A) No illuminated business or advertising sign shall be of such brightness or shall flash, scintillate, or move as to create hazardous or annoying glare. Time and temperature or message signs not otherwise prohibited under this regulation will be allowed, provided they do not create hazardous or annoying glare.
- (B) No business or advertising sign shall be so located as to materially impede or so illuminated as to interfere with the effectiveness of any traffic control device or obstruct a motorist's view at any street or highway intersection or any railroad sign or signal at any railroad crossing.
- (C) Signs used exclusively for the posting or displaying of official notices by a public agency or official or by a person giving legal notice, and signs erected or maintained by a public agency or official, or required by law to be displayed by a public utility for directional warning or informational purposes are not subject to the regulations of this Chapter. Informational and directional signs (which may include a corporate identity symbol) are exempt from this regulation.
- (D) No business or advertising sign shall be pasted or painted directly on the surface of any wall or roof.
- (E) No sign shall be permitted to be placed on a fence in any residential district.
- (F) No sign shall be permitted to be placed on a fence in any commercial or industrial district unless said fence meets setback requirements for a sign in that zoning district.
- (G) Temporary signs are allowed without a permit and are subject to the following:
  1. Real estate signs shall comply with the size limitations of "For Sale" or "For Rent" signs as specified in Sections 10-9-5, 10-9-6, and 10-9-7.
  2. Political signs as defined in Section 10-9-4(S).

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:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 4. Spacing:

- (a) On all streets and highways within the jurisdiction of this Title, no advertising sign may be established within one thousand three hundred twenty feet (1320') of any other advertising sign, measured on the same side of the street.
- (b) The minimum distance between structures shall be measured along the nearest edge of the pavement between points directly opposite the center of the signs along each side of the highway and shall apply only to structures located on the same side of the street or highway.

- (C) "For Sale" Or "For Rent" Signs Within I-1 And I-2 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 area shall exceed sixty four (64) square feet nor shall any sign exceed seven feet (7') in height.
- (D) One (1) construction sign not exceeding thirty two (32) square feet is permitted for a time period no longer than necessary to complete the activity to which it refers. If the sign refers to more than one (1) activity, then the activity completed last shall apply with respect to the time the sign may exist. (Ord. 07-31, 9-4-07)

10-9-8: **MURALS:**

- (A) Definitions: Whenever the following words or terms are used in this section, they shall have the meanings herein subscribed to them unless the content makes such meaning repugnant thereto:

**MURAL:** The word "mural" shall mean a painting or graphic art or combination thereof applied to an exterior wall or applied to a substrate which is attached to an exterior wall, which is not used or intended to be used as an advertising device for any goods produced or sold, services rendered, or business conducted, and does not contain any brand name, product name, or abbreviation of the name of any product, company, profession or business, any logo, trademark, trade name or other commercial message, or any political or religious message or endorsement prohibited by the First Amendment.

**GRAFFITI:** The word "graffiti" shall mean unauthorized inscribing, spraying of paint, or making symbols using chalk, dye, ink, paint, spray paint or similar materials on public or private places, structures, or other surfaces.

**PUBLIC BODY:** The words "public body" shall mean any body politic and corporate, including but not limited to counties, townships, cities, villages, incorporated towns, school districts, and all other municipal corporations.

- (B) Permitted Murals: Public bodies shall be permitted to install and display murals which meet all of the requirements of this section. No murals shall be installed, displayed or owned by any individuals or entities other than public bodies.
- (C) Regulations on Permitted Murals: No mural shall be permitted except in compliance with the following requirements:
  1. Murals may be installed in the B-1, B-2, B-3, I-1, and I-2 zoning districts. Murals shall not be permitted in the R-S, R-1, R-2, R-3, or R-4 zoning districts. Murals may not in any zoning district be applied or installed upon a building which is used exclusively for residential purposes.

2. Murals shall not be installed or displayed upon the exterior façade of any building except a building owned by a public body or a building owned by a private party but for which the public body has obtained a license agreement, lease, or other similar instrument which grants the public body the right to use the portion of the building upon which the mural is to be installed and displayed by the public body.
3. Murals shall only be permitted on the side or rear walls of buildings.
4. The lighting of murals shall be designed and installed in a method and manner which shall minimize the effects of the mural lighting on neighboring properties.
5. Graffiti shall not be considered a mural and shall not be permitted.
6. Murals shall not contain any material characterized as "obscene" as defined by Section 6-2-18 of the Village Code.
7. No part of the mural shall extend above the roof line.
8. A mural shall not extend more than 6 inches from the plane of the wall upon which it is installed or to be affixed.

(D) Content Selection: Public bodies who desire to install and display a mural pursuant to this Ordinance shall be responsible for taking all necessary steps, and making all necessary arrangements to commission, purchase, license or own the artistic content of the mural. Each public body which installs and displays a mural pursuant to this ordinance shall be responsible for the content of the art subject to the limitations contained in this section. Multiple public bodies may cooperate on a single mural project.

(E) Administrative Review Process: Art murals shall not be installed without first obtaining a permit from the Village of Morton Director of Planning and Zoning. If an application is denied by the Village of Morton Director of Planning and Zoning the applicant may appeal such denial to the Village Board. All applicants must submit the following information for any mural permit to be considered:

1. Building elevation drawn to scale, and one 8.5" x 11" reduction suitable for photo copying, that identifies:
  - (a) The façade on which the mural is proposed;
  - (b) The location of existing and proposed murals;
  - (c) The mural dimensions;
  - (d) The height of the mural above grade; and
  - (e) The location and angle of direction for all lights for the mural.
2. Written description of the type of mural (painted, mosaic, etc.) and details showing how the mural is affixed to the wall surface.
3. If a mural is to be constructed on a building other than one owned by the public body which is requesting the permit, the public body shall produce with the application for a mural permit such documents as may be necessary to evidence the license, lease, or other agreement in place between the public body and the private property owner which permits the public body to install a mural on the proposed façade.
4. No fee is required for approval of a mural.

5. A mural permit shall only be granted to public bodies. Private parties shall not be eligible to receive a mural permit.

(F) Expiration, Maintenance, and Alterations:

1. Expiration: If the mural is not completed within six months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured.
2. Maintenance: Building owners are responsible for ensuring that a permitted mural is maintained in good condition and is repaired in the case of vandalism or accidental destruction. Muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed.
3. Alterations to the mural area may be allowed but must be approved by obtaining new permit through the process described in Section 10-9-8(D).
4. Grandfather Clause: Any displays constituting murals under this Section currently in existence at the time of approval of this ordinance shall be deemed to be allowed under this ordinance. Any material alterations, other than routine maintenance, to such a mural would be subject to the provisions herein.  
(Ord. 19-03, 6-4-18)

10-9-9: **APPLICATION OF OTHER LAW:** The provisions of the Highway Advertising Control Act of 1971 as now in force or as may be amended from time to time shall apply where applicable notwithstanding any of the provisions of this Chapter.

10-9-10: **SEVERABILITY CLAUSE:** If any section, subsection, subparagraph, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included.

10-9-11: **VIOLATION AND PENALTY:** The provisions of Title 10, Chapter 10, Section 5 of the Morton Municipal Code shall apply to any violations of this Chapter. (Ord. 83-16, 9-6-83)



## CHAPTER 10

**ADMINISTRATION AND ENFORCEMENT**

## SECTION:

- 10-10-1: Responsibility For Zoning Administration
- 10-10-2: Procedures For Zoning Administration
- 10-10-3: Interpretation And Relation To Other Ordinances And Restrictions
- 10-10-4: Repeal Of Prior Zoning Regulations (Rep. by Ord. 78-31, 3-5-79)
- 10-10-5: Penalties
- 10-10-6: Severability

10-10-1: **RESPONSIBILITY FOR ZONING ADMINISTRATION:** The authority for administration of this Title is hereby vested in the Zoning Enforcing Officer (ZEO), the Zoning Board of Appeals, and the Plan Commission.

(A) Duties Of The ZEO In Administration Of This Title: The office of the ZEO is created and maintained by this Title who shall be appointed by and at all times act under the direct control of the President and the Board of Trustees. The ZEO, in his responsibilities under this Title, shall carry out and perform the following duties:

1. Issue all zoning permits and maintain records of permits issued.
2. Issue all zoning certificates of occupancy and maintain records of certificates issued.
3. Conduct inspections to determine if use of land and buildings is in compliance with this Title.
4. Inform persons in violation of this Title of the provisions of the Title with which they are in noncompliance and the remedies available to them.
5. Notify the Village Board and Village Attorney, by letter, of persons found in violation. (Ord. 78-31, 3-5-79)
6. Consult with Village Attorney and institute proceedings as authorized by this Title and by law against persons in noncompliance with this Title. (Ord. 83-12, 8-1-83)
7. Maintain the necessary forms for permits, appeals, zoning amendments, special uses, variances, and other matters required to be acted upon by the Plan Commission and Zoning Board of Appeals.
8. Maintain permanent and current records of the administration of this Title, including copies of zoning ordinances (including the Zoning District Map), all amendments and all special uses, variations, appeals, and applications thereof.
9. Receive, file, and forward to the Plan Commission applications for special uses, amendments to this Title, and arrange for proper public notice for public hearings, including legal published notices as well as public notice by mail to property owners within two hundred fifty feet (250') of the subject property. Applicants for actions requiring public notice shall provide a listing of owners of record within such two hundred fifty foot (250') distance. Assist on other matters on which the Plan Commission is authorized to pass under this Title.

10. Receive, file, and forward to the Zoning Board of Appeals applications for variations, appeals, and other matters on which the Board is authorized to pass under this Title, and arrange for proper public notice for public hearings.
11. Make recommendations to the Village Board and Plan Commission periodically on the need for amending and restudy of the provisions of this Title and the method suggested to do so.
12. Serve as liaison between the Plan Commission and the Board of Appeals.
13. Enforce all zoning ordinances.
14. Develop and enforce administrative procedures pertaining to zoning matters.
15. With regard to building permits, administer and review applications and insure compliance with all ordinance requirements.
16. Issue permits for sanitary sewer, gas, curb, street openings, and certificates of occupancy and, where appropriate, coordinate and conduct inspections.
17. Review home occupation applications and, where applicable, issue permits.
18. Administer and review applications for variances, special uses, and zoning amendments.
19. Administer sidewalk, and curb and gutter programs.
20. Review site plans regarding landscaping, masonry, parking, setbacks, and signs.
21. Enforce ordinances pertaining to the condition of property.
22. Supervise such subordinate personnel as the Board of Trustees may provide for from time to time.
23. Perform such other duties as may be prescribed by the Board of Trustees from time to time. (amd. Ord. 05-50, 4-3-06)

(B) Duties Of The Plan Commission In Administration Of This Title: The Plan Commission of the Village has the following duties and responsibilities under this Title:

1. Receive, from the ZEO, hear, and make findings of fact on all applications for amendments to this Title and to report such findings and recommendations to the Village Board.
2. Receive, from the ZEO, hear, and make findings of fact on all applications for special uses, and to report such findings and recommendations to the Village Board.
3. Hear and decide all other matters upon which it is required to pass under this Title.
4. Plan Commission may establish its own rules and procedures for carrying out its duties.

(C) Duties Of The Zoning Board Of Appeals In Administration Of This Title: The Zoning Board of Appeals of the Village of Morton has the following duties and responsibilities in the administration of this Title:<sup>1</sup>

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<sup>1</sup> See also Title 2, Chapter 7 of the Morton Municipal Code.



1. Receive, from the ZEO, hear, and make determinations of appeals filed by any person, office, department, board, or bureau aggrieved by a decision of the ZEO and notify the ZEO of such determination.
2. Receive, from the ZEO, hear, and grant variations of this Title in harmony with the general purpose and intent, and only in the specific instances contained in the variation procedures outlined in this Chapter and notify the ZEO of such variation actions. (Ord. 78-31, 3-5-79)

10-10-2: **PROCEDURES FOR ZONING ADMINISTRATION:**

(A) Zoning Permit Procedure:

1. No zoning permit pertaining to the use of land, structures, or buildings shall be issued by any officer, department, or employee of the Village unless the application for such permit has been subjected to administrative review by the ZEO for compliance with this Title. Any permit issued in conflict with the provisions of this Title shall be null and void. Zoning permits shall not be issued to any applicant so long as that applicant is indebted to the Village for any prior fees of any type.
2. Applications for zoning permits shall be filed in written form with the ZEO on forms prescribed by the ZEO indicating:
  - (a) Legal description of the property;
  - (b) Name and address of applicant, owner, and contractor;
  - (c) Uses to be established or expanded;
  - (d) Other information deemed appropriate by the ZEO to clearly denote the nature and character of the intended improvement and use.
3. For all uses, except one (1) and two (2)-family residential structures on platted regular shaped lots, the applications for a zoning permit shall be accompanied by a drawing to scale showing the actual dimensions as certified by a land surveyor or civil engineer as a true copy of the lot on which the improvement or use is to be placed, accompanied by a drawing to scale of the location on such lot of the proposed building, structure or use, and accessory buildings; and location and height of any fences or landscape screening proposed to be installed. For one (1) and two (2)-family structures on platted regular shaped lots, the application for a zoning permit shall be accompanied by a dimensioned sketch drawing showing the proposed building, structure or use, nearest distances to lot lines, height of buildings or portions of buildings, and location and height of fences or landscape screening proposed to be installed. (amd. Ord. 04-53, 3-7-05)
4. The ZEO shall approve or deny the issuance of a zoning permit within seven (7) days of the date of filing for such permit. If not approved within time limit, the zoning permit shall be deemed to be denied.
5. Such zoning permit, once issued, shall be maintained in a prominent location at the premises for which it is issued, and shall not be removed until final inspection and issuance of a zoning certificate of occupancy by the ZEO. (Ord. 78-31, 3-5-79; amd. Ord. 87-8, 7-20-87)

## (B) Zoning Certificate Of Occupancy Procedure:

1. No building or building addition constructed after the effective date of this Title, and no land vacant on the effective date of this Title, shall be used for any purpose until a zoning certificate of occupancy has been issued by the ZEO. No change in use shall be made until such zoning certificate of occupancy shall state that the use or occupancy complies with the provisions of this Title.
2. Every application for a zoning permit shall be deemed to be an application for an occupancy permit.
3. No zoning certificate of occupancy for the use of a premises for which a zoning permit has been issued shall be issued until construction has been completed, a final inspection made, and the premises certified to be in compliance with the plans and specifications for which the zoning permit was issued. No zoning certificate of occupancy shall be issued to any applicant so long as that applicant is indebted to the Village for any prior fees of any type. The zoning certificate of occupancy shall be issued or denied within seven (7) days after the ZEO is notified that the building or premises is ready for occupancy.

## (C) Variation Procedure:

1. The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Title in harmony with their general purpose and intent only in the specific instances hereinafter set forth, where the Zoning Board of Appeals makes finding of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Title.
2. An application for a variation shall be filed in writing with the ZEO. The application shall contain such information as the Zoning Board of Appeals may, by rule, require. Notice of such public hearing shall be published at least once not more than thirty (30) days nor less than fifteen (15) days before the hearing in a newspaper of general circulation. The published notice may be supplemented by such additional form of notice as the Zoning Board of Appeals, by rule, may require.
3. The Zoning Board of Appeals shall not vary the regulations of this Title, as authorized by this Section, unless it shall first make findings of fact based upon the evidence presented to it in each specific case that:
  - (a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
  - (b) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;
  - (c) The purpose of the variation is not based exclusively upon a desire for financial gain;
  - (d) The alleged difficulty or hardship is caused by this Title and has not been created by any persons presently having an interest in the property;

- (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, except a variation shall not be granted outside of the Mixed Use Overlay District to permit any yard or open space requirement of less than 12 feet on any side of a parcel abutting a public road, street, or alleyway or of less than 6 feet on any side of a parcel abutting any property other than a public road, street, or alleyway, unless such property at the time of the application for a variation contains a yard or open space less than the applicable requirement, and in that instance no variation shall be granted to permit a yard or open space requirement less than the actual yard or open space existing on the property at the time of the application for variation.  
(amd. Ord. 19-02, 5-7-18)
  - (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 inappropriate<sup>1</sup>. 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)

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<sup>1</sup> See Chapter 9 of this Title.

- (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)
- (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)
3. The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give notice thereof to the parties, and shall render a written decision on the appeal without unreasonable delay. The Zoning Board of Appeals may affirm or may, upon concurring vote of four (4) members, reverse, wholly or in part, or modify the order, requirement, decision, or determination that, in its opinion, ought to be done; and to that end, shall have all the powers of the officer from whom the appeal is taken. The ZEO shall maintain records of all actions of the Zoning Board of Appeals relative to appeals.

(E) Zoning Amendment Procedure:

1. Amendments may be proposed by the Village Board of Trustees, the Plan Commission, the Zoning Board of Appeals, or any person, firm, corporation, or organization, provided that any person, firm, corporation, or organization shall have a freehold interest, a possessory interest entitled to exclusive possession, a contractual interest which may become a freehold interest, or any exclusive possessory interest (with the concurrence of the person holding the freehold interest) which is specifically enforceable in the land which is described in the application for amendment. Any proposal shall set forth names of owners of all benefiting interests in any land trusts wherein a land trust is proposing such amendment, and there shall be provided changes in beneficial ownership from time to time through amendment process.
2. An application for an amendment shall be obtained from and filed with the ZEO. Such applications for zoning amendments shall be in a form so that the application, when complete, including required accompanying material, shall provide such information as required by the Commission for its review. Applications for amendments initiated by the Plan Commission, Board of Appeals, or Village Board of Trustees shall include a copy of the minutes of that body approving the filing of an application for zoning amendment.

Applications for zoning amendments initiated by any person, firm, corporation, or organization described above as eligible to petition for a zoning amendment, shall not be considered nor scheduled for public hearing until the zoning amendment fee has been deposited with the Village Treasurer to partially cover the cost of this procedure, and under no condition shall such sum or any part thereof be refunded for failure of said amendment to be enacted into law.<sup>1</sup>

3. Once the Zoning Ordinance amendment has been filed with the ZEO, the ZEO shall arrange proper legal notice, as required by law, and schedule the public hearing for the next regular Plan Commission meeting which fulfills the minimum public notice requirements.
4. The Plan Commission shall hold a public hearing on each application for zoning amendment at the time and place scheduled in the public notice. The hearing shall be conducted and a record of proceedings preserved in the manner as from time to time prescribed by the Commission. Where additional information is required for the Plan Commission's review, the Plan Commission, by official action, may continue the hearing to the time and place of the next Plan Commission meeting.

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<sup>1</sup> Section 10-11-7 of this Title.

5. Within forty five (45) days after the close of the hearing on a proposed amendment, the Plan Commission shall make its recommendations to the Village Board. On applications for zoning amendments which would change the zoning classification of a particular property, the recommendation shall include findings of fact bearing on the decision. Such findings of fact shall relate to matters such as:
  - (a) Existing uses of other property within the general area of the subject property;
  - (b) Evidenced recent trends in land use development of the general area;
  - (c) Any conditions which renders the property less desirable or inappropriate for the uses to which it is presently zoned; and
  - (d) The zoning amendment, if granted, serves the public interest and does not solely benefit the property of the applicant alone.

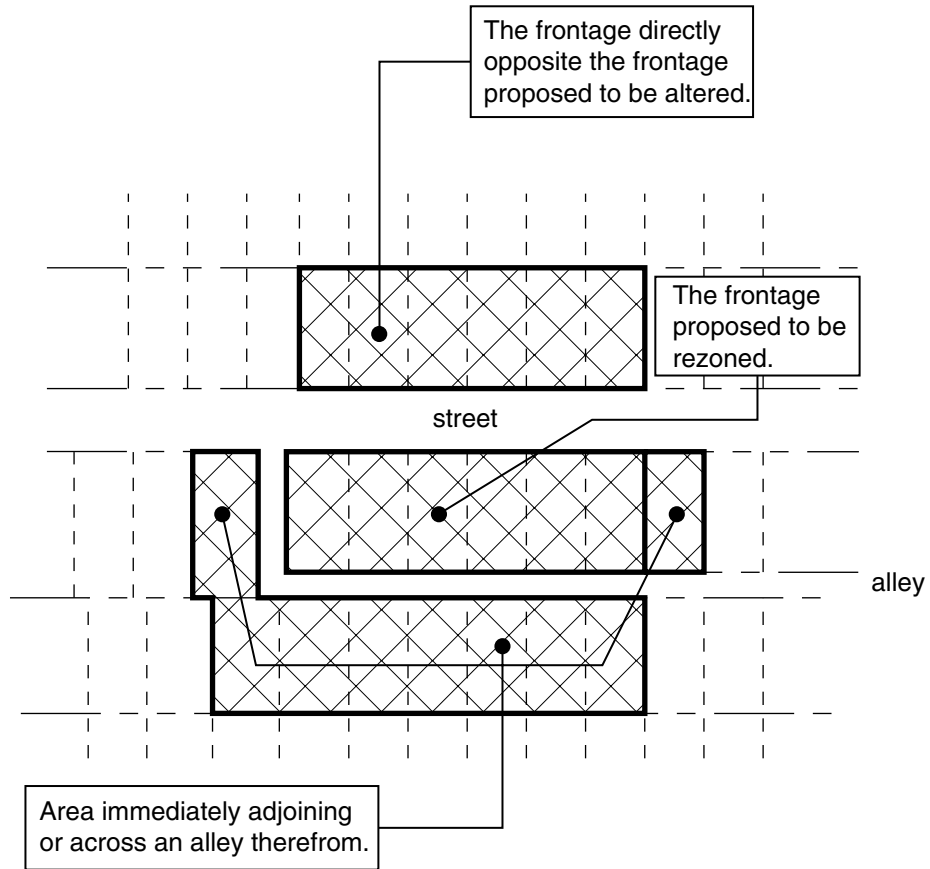
In its findings of fact and recommendation to the Village Board, the Plan Commission may recommend approval or disapproval, or recommend the change of zoning classification of the subject property to any other more restrictive zoning classification than specified in the public notice.

6. The Village Board shall not act upon a proposed amendment to this Title until it shall have received a written report and recommendation from the Plan Commission except, however, that no action by the Plan Commission within forty five (45) days of the public hearing of the matter shall be deemed to be a favorable recommendation.
7. In case of a written protest against any proposed zoning amendment signed and acknowledged by the owners of twenty percent (20%) of the frontage proposed to be altered, or by the owners of twenty percent (20%) of the frontage immediately adjoining or across an alley therefrom, or by the owners of twenty percent (20%) of the frontage directly opposite the frontage proposed to be altered, as to regulations or district, filed with the ZEO, such amendment shall not be passed except by the favorable vote of two-thirds (2/3) of the Trustees then holding office. (Ord. 04-53, 3-7-05)
8. The Village Board shall cause to be published, no later than March 31 of each year, a map<sup>1</sup> clearly showing the existing zoning uses, divisions, restrictions, regulations, and classifications for the preceding calendar year. If, in any calendar year, there are no changes in the zoning uses, divisions, restrictions, regulations, and classifications, no map need be published for such calendar year.

The Village Board may establish a fee to be charged each person desiring a copy of such map. Such fee shall be paid to the ZEO who shall account for such moneys. Such fees shall be applied to defray the cost of publishing the zoning map.

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<sup>1</sup> Morton Zoning Map adopted in 10-3-2 of this Title.



**Zoning Amendment Protest Areas**

(20% written protest of property owners in any one of the three indicated areas requires a 2/3 vote of the Village Board for passage.)

## (F) Special Use Procedure:

1. Applications for special use may be filed by any person having a freehold interest in land or a possessory interest entitled to exclusive possession (with the concurrence of the person holding the freehold interest), or a contractual interest which may become a freehold interest, or an exclusive possessory interest which is specifically enforceable.
2. An application for a special use permit shall be obtained from and filed with the ZEO. Such application for a special use permit shall be in a form so that the application, when complete, including required accompanying material, shall provide such information as required by the Plan Commission for its review. The accompanying material shall include a written statement signed by the applicant as to how the standards for the granting of the special use permit are met. These standards shall include:
  - (a) That the proposed use will not adversely affect other property developed or able to be developed to the uses already permitted;
  - (b) That adequate utilities, access roads, drainage, and other necessary supporting facilities have been or are being provided;
  - (c) That adequate measures have been provided to accommodate ingress and egress so as to avoid congestion, not unduly impede surrounding traffic flows, or create hazardous or unsafe conditions;
  - (d) That the standards for site development, including landscaping, will be such as to enhance the proposed use and its setting, screen or so locate parking, loading, storage, and less attractive accessory uses away from public view, and to otherwise complement the visual appearance of the area in which the proposed project is to be located. The applicant may offer or the Plan Commission may require a site development and landscape and screening plan as part of the applicant's written statement; and
  - (e) That the proposed special use, if permitted, will conform to all other requirements of the district in which it is to be located or if not conforming, a listing of necessary variations which will be required subsequent to the granting of the special use permit by the Village Board.
3. Once the special use application has been filed with the ZEO, the ZEO shall arrange proper legal notice as required by law and schedule the public hearing for the next regular Plan Commission meeting which fulfills the minimum public notice requirements.
4. The Plan Commission shall hold a public hearing on the proposed special use at the time and place scheduled in the public notice. The hearing shall be conducted and a record of the proceedings preserved in the manner as from time to time prescribed by the Commission.
5. The Plan Commission, in its recommendation to the Village Board for the granting of a special use permit, may attach any conditions to its recommendation it feels appropriate to better meet the above standards specified for its review and recommendation relative to the granting of a special use permit.
6. Within forty five (45) days of the close of the hearing on the proposed special use, the Plan Commission shall make its recommendation to the Village Board attaching the applicant's signed statement and any other conditions suggested by the Plan Commission. The Village Board may grant or deny the special use permit and may modify or attach any additional conditions to which the proposed special use would be subject.



7. The granting of a special use by the Village Board shall constitute authorization for the ZEO to issue zoning permit(s) for the proposed use subject to any conditions imposed in the granting.
8. Special uses approved by the Village Board shall be designated on the Zoning Map by a symbol. Failure of the applicant or other subsequent person, individual, firm, or corporation continuing the special use, from continually maintaining the use in a manner complying with the conditions under which the use was granted, shall constitute a zoning violation subject to the penalties of this Title.<sup>1</sup>

In the event of termination of a special use, permitted uses under the applicable zoning classification shall be the only uses allowed and for which subsequent building permits or use permits may be issued. (Ord. 78-31, 3-5-79)

9. If a special use is not initiated within three hundred sixty five (365) days from the time it is granted, it shall be deemed to be terminated, and in such case, permitted uses under the applicable zoning classification shall be the only uses allowed and for which subsequent building permits or use permits may be issued.
  - (a) This Subsection shall be effective on April 19, 1993. All special uses granted subsequent to the aforesaid date shall be subject to the aforesaid three hundred sixty five (365) day limit. All special uses granted prior to April 19, 1993, shall be initiated by July 1, 1994, and they are not eligible for any extension. If they are not initiated by July 1, 1994, they shall be deemed terminated.
  - (b) If, due to extenuating circumstances, and for good cause shown, a person, firm, or corporation who was previously granted a special use (except those granted prior to April 19, 1993) has failed to commence same within the applicable time limit, then the owner of the special use may petition the Village Board for an extension of up to an additional three hundred sixty five (365) days. Said petition must be filed within the original time limit, and the Village Board may in its sole discretion elect to extend the expiration date. (Ord. 92-36, 4-19-93)

10-10-3: **INTERPRETATION AND RELATION TO OTHER ORDINANCES AND RESTRICTIONS:**  
 In interpreting and applying the provisions of this Title, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, morals, and general welfare. It is not intended by this Title to interfere with, abrogate, annul, or repeal any ordinance, rules, or regulations previously adopted and not in conflict with any of the provisions of this Title or which shall be adopted pursuant to law relating to the use of buildings or premises, nor is it intended by this Title to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, except that where this Title imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than other covenants or other agreements, the provisions of this Title shall control. (Ord. 78-31, 3-5-79)

10-10-4: **REPEAL OF PRIOR ZONING REGULATIONS:**  
 (Rep. by Ord. 78-31, 3-5-79)

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<sup>1</sup> Section 10-10-5 of this Chapter.

**10-10-5: PENALTIES:**

- (A) **Violations And Penalties:** Any person or any entity which violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Title shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (Ord. 78-31, 3-5-79; amd. Ord. 90-37, 4-15-91; amd. Ord. 99-37, 12-6-99)
- (B) **Village May Pursue Additional Remedies To Violations:** In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Title, the proper authorities of the Village, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, maintenance, or use; to restrain, correct, or abate such violation; to prevent the occupancy of said building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about such premises. (Ord. 78-31, 3-5-79)

**10-10-6: SEVERABILITY:**

- (A) **Severability To Apply To The Title Provision:** If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, it is the intent of the Village Board that such judgment shall not affect any other provisions of this Title not specifically included in said judgment.
- (B) **Severability To Apply To Property, Building, Or Structure:** If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular property, building, or structure, it is the intent of the Village Board that such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment. (Ord. 78-31, 3-5-79)

## CHAPTER 11

**FEES FOR ZONING ADMINISTRATION**

## SECTION:

- 10-11-1: Purpose
- 10-11-2: Zoning Permit
- 10-11-3: Zoning Certificate Of Occupancy
- 10-11-4: Variance
- 10-11-5: Appeal To Zoning Board Of Appeals
- 10-11-6: Special Use
- 10-11-7: Zoning Amendment
- 10-11-8: Combination Zoning Amendment And Special Use
- 10-11-9: Planned Residential Development
- 10-11-10: Publication Fees
- 10-11-11: Annexation Petition
- 10-11-12: Zoning Map
- 10-11-13: Site Plan Review

10-11-1: **PURPOSE:** In order to partially defray administrative costs, as well as the expense of public hearings, certain fees shall be paid to the Village as more particularly set forth herein. All applicable fees shall be paid at the time application is made. (Ord. 90-37, 4-15-91)

10-11-2: **ZONING PERMIT:** A fee of ten dollars (\$10.00).<sup>1</sup> (Ord. 90-37, 4-15-91)

10-11-3: **ZONING CERTIFICATE OF OCCUPANCY:** A fee of five dollars (\$5.00) shall be paid for the issuance of a zoning certificate in the event no zoning permit has been requested. There shall be no charge for said certificate if a zoning permit has been obtained.<sup>2</sup> (Ord. 90-37, 4-15-91)

10-11-4: **VARIANCE:** A fee of one hundred seventy-five dollars (\$175.00).<sup>3</sup> (Ord. 98-12, 7-6-98; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)

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<sup>1</sup> See zoning permit regulations, Subsection 10-10-2(A) of this Title.

<sup>2</sup> See zoning certificate of occupancy regulations, Subsection 10-10-2(B) of this Title.

<sup>3</sup> See variance regulations, Subsection 10-10-2(C) of this Title.

- 10-11-5: **APPEAL TO ZONING BOARD OF APPEALS:** A fee of twenty five dollars (\$25.00).<sup>1</sup> (Ord. 90-37, 4-15-91)
- 10-11-6: **SPECIAL USE:** A fee of one hundred seventy-five dollars (\$175.00).<sup>2</sup> (Ord. 90-37, 4-15-91; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)
- 10-11-7: **ZONING AMENDMENT:** A fee of one hundred seventy-five dollars (\$175.00).<sup>3</sup> (Ord. 90-37, 4-15-91; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)
- 10-11-8: **COMBINATION ZONING AMENDMENT AND SPECIAL USE:** A fee of one hundred seventy-five dollars (\$175.00) shall be paid when an application consists of a request for a combination zoning amendment and special use. (Ord. 90-37, 4-15-91; amd. Ord. 03-02, 7-7-03; amd. Ord. 06-25, 9-5-06)
- 10-11-9: **PLANNED RESIDENTIAL DEVELOPMENT (PRD):** A deposit of two hundred dollars (\$200.00) to cover the cost of reviewing the plans for the PRD shall be paid to the Village at the time the plans are submitted. Said review shall include, but not be limited to, ensuring compliance with Section 10-5-7 of this Title. If it is found that the cost of reviewing the plans exceeds two hundred dollars (\$200.00), the developer of the PRD shall be billed for any extra time at an hourly engineering rate, to be set from time to time by the Village Board. (Ord. 90-37, 4-15-91)
- 10-11-10: **PUBLICATION FEES:** All fees contained herein include any applicable required publication fees except for the fee for an annexation petition. (Ord. 90-37, 4-15-91; amd. Ord. 01-42, 4-1-02)
- 10-11-11: **ANNEXATION PETITION:** A fee of two hundred and fifty dollars (\$250.00) plus the actual cost of publication. (amd. Ord. 01-42, 4-1-02)
- 10-11-12: **ZONING MAP:** A fee of ten dollars (\$10.00) shall be due for a zoning map. (amd. Ord. 03-02, 7-7-03)
- 10-11-13: **SITE PLAN REVIEW:** Building permits requiring site plan review, in accordance with Section 10-4-6, shall have an additional building permit fee of one hundred dollars (\$100.00) to help defray the cost of reviewing plans. (amd. Ord. 03-02, 7-7-03)

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<sup>1</sup> See Subsection 10-10-2(D) of this Title.

<sup>2</sup> See Subsection 10-10-2(F) of this Title.

<sup>3</sup> See Subsection 10-10-2(E) of this Title.

CHAPTER 13  
HOME OCCUPATIONS

## SECTION:

- 10-13-1: Definition
- 10-13-2: Uses Allowed
- 10-13-3: Application Procedure
- 10-13-4: Guidelines
- 10-13-5: Permit
- 10-13-6: Exemptions
- 10-13-7: Revocation
- 10-13-8: Penalty
- 10-13-9: Existing Home Occupations
- 10-13-10: Childcare Provisions
- 10-13-11: Intent
- 10-13-12: Severability Clause

10-13-1: **DEFINITION:** A “home occupation” is a gainful business, occupation, or profession conducted entirely within a dwelling or garage and carried on by the residents legally residing in such dwelling. Such business, occupation, or profession shall be clearly incidental and secondary to the use of the dwelling for residential purposes. Home occupations may not be conducted upon or in any accessory building. A home occupation shall be allowed only in districts zoned for residential purposes. (Ord. 84-3, 6-18-84)

10-13-2: **USES ALLOWED:** A home occupation is allowed only if an occupant of the premises has obtained a home occupation permit as required by this Chapter. The allowance of home occupations is not intended to nor shall it be construed to abrogate or otherwise modify other zoning restrictions, subdivision restrictions, or covenants, or other restrictions that may apply to property for which a home occupation permit is granted. (Ord. 84-3, 6-18-84)

10-13-3: **APPLICATION PROCEDURE:** Any person desiring to obtain a permit for a home occupation shall make an application for same with the Zoning Enforcing Officer (ZEO) of the Village. The application shall be made on such forms as required by the ZEO. There shall be a nonrefundable fee of twenty five dollars (\$25.00) for the initial application. (Ord. 84-3, 6-18-84; amd. Ord. 90-37, 4-15-91)

The ZEO shall have fifteen (15) days to grant or deny the home occupation permit. The home occupation permit shall be issued by the ZEO if the applicant has certified that he or she will operate the home occupation in conformity with all the provisions of Title 10, Chapter 13, Section 4, Subsections (A) through (M) inclusive, and the ZEO reasonably believes that the applicant will so operate the home occupation. Any denial by the ZEO because he does not reasonably believe the applicant can or will operate the home occupation in conformity with all the guidelines referred to in Section 4, Subsections (A) through (M) inclusive of this Chapter shall be in writing with a statement of the reasons therefor.

If the ZEO denies the granting of a home occupation permit either because he does not reasonably believe the applicant will operate the home occupation in conformity with all the provisions of Section 4, Subsections (A) through (M) inclusive or because the applicant otherwise requests the granting of a waiver of one or more of the guidelines referred to in said Section 4, then the following procedure shall apply: The applicant shall have a period of forty five (45) days from the date of such denial to request a public hearing with the Plan Commission. The public hearing shall be held in the same manner and form as a public hearing for a special use permit; and the applicant shall pay the same application fee, except that the applicant shall receive a credit for his initial application fee. The Village Board shall have the right to review, and approve or disapprove, or modify the Plan Commission's recommendation after said public hearing.

10-13-4: **GUIDELINES:** A person obtaining a home occupation permit shall operate and conduct same in conformity with all of the following conditions unless a waiver pursuant to paragraph (N) of this Section is granted.

- (A) The home occupation shall be carried on only in the dwelling and/or garage subject to the following restrictions:
1. In the dwelling, the area used for a home occupation shall not exceed twenty percent (20%) of the total gross floor area.
  2. The garage may be used for home occupation purposes provided that the area used does not exceed fifty percent (50%) of the gross floor area of the garage, and further provided that such usage does not cause the garage to be permanently unusable for parking purposes.
  3. In no event shall the total area used for a home occupation in the dwelling and garage exceed three hundred (300) square feet.
- (B) No persons other than the people legally residing at the premises shall be employed for a salary, commission, or upon any other remunerative basis; nor shall any such persons report for work at or near the premises.
- (C) No mechanical or electrical equipment shall be used in a home occupation other than that which is customarily used for domestic or hobby purposes.
- (D) No exterior evidence or indication that a home occupation is being conducted on the premises is allowed, nor shall any variance for signs for a home occupation be allowed.
- (E) The home occupation shall not generate heat, noise, glare, vibration, smoke emission, noxious or toxic fumes, odors, vapors, or electrical interference which are readily detectable at any point on the boundaries of the premises.

- (F) The home occupation shall not involve the use of commercial vehicles for the delivery of materials to or from the premises, except that reasonable deliveries for wholesale purposes are allowed.
- (G) No article shall be sold or offered for sale on the premises except such as is produced on the premises or is provided incidental to the service or profession conducted therein.
- (H) Exterior storage of material or equipment is expressly prohibited.
- (I) Only one home occupation permit per premises shall be allowed.
- (J) The proposed home occupation use shall be such that it will not adversely affect other property in the neighborhood.
- (K) Adequate facilities, access roads, drainage, and other necessary supporting facilities are available or will, if necessary, be provided by the applicant.
- (L) Any additional traffic and/or parking problems reasonably expected to be generated by the home occupation shall not be such that it could be reasonably expected to adversely affect the residential character of the neighborhood, unduly impede surrounding traffic flows, or create hazardous or unsafe conditions in the neighborhood.
- (M) The home occupation shall comply with all applicable Federal, State, County, and Village of Morton laws, regulations, and ordinances.
- (N) A person may be entitled to a waiver of one or more of the guidelines set forth in Subsections (A) through (I) inclusive of this Section upon the showing of the following:
1. That such waiver is necessary because strict compliance with all of the guidelines would prohibit the granting of a home occupation permit as requested.
  2. That there is no other practical method in which the applicant could conduct the home occupation without the allowance of a waiver.
  3. That strict compliance with all of the guidelines would cause a hardship to the applicant, as distinguished from a mere inconvenience.
  4. The allowance of a waiver shall not be in derogation of any of the guidelines set forth in Subsections (J) through (M) inclusive of this Section; and the applicant shall show by clear and convincing evidence the necessity for granting a waiver.
- (O) Such other terms and conditions as may be imposed upon the granting of a home occupation permit.

10-13-5: **PERMIT:** In the event an application is approved, then a home occupation permit shall be issued to the applicant. Said permit shall apply only to the applicant, occupation, and premises stated in the application. The permit is nontransferable and nonassignable and shall remain in full force and effect unless revoked pursuant to Section 7 of this Chapter. Said permit shall also be deemed to be automatically revoked upon the earliest of the following: the applicant dies; the applicant moves from the premises where the permit was granted; or the applicant otherwise ceases engaging in the home occupation.

- 10-13-6: **EXEMPTIONS:** A person shall not be considered to be engaged in a home occupation under the following circumstances:
- (A) The use of a residence by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of the profession; nor shall such usage be on a routine or regular basis. Such use shall not be considered exempt if a person advertises his or her availability for consultation at the residence.
  - (B) The listing of the premises in a telephone book or similar directory whereby a business name is used, which in and of itself shall not be considered to mean that a person is engaging in a home occupation.
  - (C) A person using a premises as defined and allowed in this Section shall not engage in or permit other persons to visit the premises for the purpose of conducting or transacting business except on a sporadic basis. It is the intent of this Section to prohibit such usage that would occur on a regular basis or as a part of the conducting of a business but not otherwise isolated or sporadic visits.
  - (D) Any person engaged in wholesaling, jobbing, or retail business, if said activity is conducted entirely by mail and/or telephone.
  - (E) Teaching or other types of instruction shall not be considered a home occupation provided same is limited to one pupil at a time.
  - (F) The aforesaid activities described in this Section shall be considered exempt only if the person conducting same is not engaged in any activity that would otherwise be prohibited by Section 4 of this Chapter.

10-13-7: **REVOCATION:** In the event a person is granted a home occupation permit and such person violates any of the provisions of Title 10, Chapter 13 of the Morton Municipal Code, or otherwise violates any provisions of the Morton Municipal Code, then such home occupation permit shall be automatically revoked upon written notice by the ZEO. (Ord. 84-3, 6-18-84)

10-13-8: **PENALTY:** Any person, firm, corporation, partnership, or other legal entity which conducts a home occupation in violation of any of the provisions of this Title 10, Chapter 13 shall be fined not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation occurs shall constitute a separate offense. (Ord. 84-3, 6-18-84; amd. Ord. 90-37, 4-15-91; amd. Ord. 99-37, 12-6-99)

In addition to the foregoing penalty provisions, the proper authorities of the Village of Morton may institute any appropriate action or proceedings, including the obtaining of an injunction to prevent such further activity.

10-13-9: **EXISTING HOME OCCUPATIONS:** Any person engaged in a home occupation at the time of the passage of this Ordinance shall have a period of sixty (60) days from said date to apply for a home occupation permit subject to the following:

- (A) The applicant must provide adequate proof that he or she has been engaged in a home occupation prior to the date this Ordinance was passed.
- (B) The applicant must clearly state the home occupation and premises involved.
- (C) In the event an applicant is unable to comply with any or all of the provisions of Section 4 of this Chapter, then such applicant shall in his or her application clearly set forth which provisions he or she cannot comply with and the reasons therefor.



The ZEO shall then forward the application to the Morton Village Board for their consideration. The Village Board may approve or disapprove the waiving of compliance with any or all of the provisions of Section 4 of this Chapter. Such approval or disapproval shall require the vote of at least four (4) members of the Board of Trustees, including the vote of the President where applicable or necessary.

The Village Board may act upon the written application or may require the applicant to appear before the Village Board; and, in such case, the applicant will be given reasonable notice of the time.

The Village Board, in determining whether or not to allow the waiver of any or all of the provisions of Section 4 of this Chapter, shall use the following criteria:

1. The hardship upon the applicant if a waiver is not granted.
2. The history of the applicant's business and whether it has had any detrimental effect on the residential character of the neighborhood.
3. Whether the granting of the waiver will have a detrimental effect upon the residential character of the neighborhood.

- (D) Any applicant who obtains a home occupation permit under these provisions and who subsequently conducts same in violation of any of the terms and conditions of this Chapter or in violation of any waivers granted hereunder shall be subject to all of the penalty and revocation procedures of this Chapter.
- (E) The application to be made hereunder shall be made to the ZEO of the Village of Morton and shall not require the payment of any fee if made within the aforesaid sixty (60) day period.
- (F) The ZEO shall grant or deny a permit within ten (10) days of the application date.
- (G) Any person who has previously obtained a special use permit pursuant to the provisions of prior law shall not be required to obtain a home occupation permit and may continue to engage in such home occupation subject to the provisions of the prior law and such conditions as may have been imposed upon the granting of such special use permit.

10-13-10: **CHILD CARE PROVISIONS:**

- (A) A person providing child care for gain on a regular basis for unrelated persons shall not be considered engaged in a home occupation provided said person provides such care for no more than one person at a time.
- (B) A person providing child care for gain on a regular basis for unrelated persons and further provided that such care is for two (2) through eight (8) persons at a time shall be required to obtain a home occupation permit. Said permit shall be subject to all other provisions of this Chapter except that the provision in Subsection (A) of Section 4 of this Chapter shall not apply.
- (C) A person who desires to provide child care for gain for unrelated persons and for more than eight (8) persons at a time shall apply for a special use permit as provided for in other provisions of the Morton Zoning Code and shall not be eligible for a home occupation permit.
- (D) For purposes of this Section all terms that are used herein which are defined in the Child Care Act of 1969 shall have the same meaning as defined in said Act.

10-13-11: **INTENT:** It is the purpose and intent of this Chapter to provide further guidelines and criteria with respect to home occupations and to allow the continuation of certain home occupations as provided herein.

In the event a person continues to engage in a home occupation without obtaining a permit as required by this Chapter, it is the intent of this Chapter to allow for the prosecution of such person; and such persons continuing to conduct a home occupation without a permit shall be so prosecuted.

10-13-12: **SEVERABILITY CLAUSE:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or Ordinance 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 Ordinance or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Chapter and Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 84-3, 6-18-84)

CHAPTER 14  
**BORROW PITS**

## SECTION:

- 10-14-1: Borrow Pit Permit Required
- 10-14-2: Exemption From Borrow Pit Permit
- 10-14-3: Permission Of Other Agencies Or Owners
- 10-14-4: Liability
- 10-14-5: Filing Requirements
- 10-14-6: Time Limits, Approvals, And Denials
- 10-14-7: Request For Reconsideration
- 10-14-8: Specifications
- 10-14-9: Improvement Security
- 10-14-10: Suspension And Revocation Of Permit
- 10-14-11: Injunction
- 10-14-12: Right Of Entry
- 10-14-13: Stop Work Orders
- 10-14-14: Other General Requirements
- 10-14-15: Fine
- 10-14-16: Severability

10-14-1: **BORROW PIT PERMIT REQUIRED:** It shall be unlawful for any person, firm, or corporation to borrow any excavated earth material from one property in the corporate limits of the Village and move it to another property without first obtaining the following:

(A) A special use permit for the location of the borrow pit. A special use permit shall be subject to all other requirements of the Morton Zoning Code regarding special uses and any other requirements of this Chapter that may apply.

(B) A permit from the Superintendent of Public Works (SPW).

10-14-2: **EXEMPTION FROM BORROW PIT PERMIT:** The provisions of this Chapter shall not apply to any excavations wherein less than one thousand five hundred (1,500) cubic yards of earth are moved.

10-14-3: **PERMISSION OF OTHER AGENCIES OR OWNERS:** The borrow pit permit shall not relieve the permittee of responsibility for securing other permits or approvals required for work which is regulated by any other department or other public agency or for obtaining any easements or authorization for removing or transporting earth materials on property not owned by the permittee. Where any submittal provision, standard, or surety is substantially addressed by another permit, the SPW may waive said requirement.

10-14-4: **LIABILITY:** Neither issuance of a permit under the provisions of this Chapter nor compliance with the provisions hereof or with any conditions imposed in a permit issued hereunder shall relieve the applicant from responsibility for damage to any person or property or impose any liability upon the Village for damage to any person or persons.

10-14-5: **FILING REQUIREMENTS:** An applicant desiring a borrow pit permit shall do the following:

(A) Request a special use permit.

(B) Submit an application with the SPW. Said application must be submitted at least forty five (45) days prior to the proposed public hearing.

10-14-6: **TIME LIMITS, APPROVALS, AND DENIALS:** The SPW shall approve, conditionally approve, or deny the application within twenty five (25) days after receipt of a completed application. An application shall be approved if it is complete in form, has all required information, and meets all applicable standards established in this Chapter. Otherwise, it shall be denied. Any approval or denial shall be in writing with the reasons for denial specifically identified. Annotations on the site plan shall be considered sufficient detail of the reasons for denial. In the event the SPW denies the application, then the special use hearing shall automatically be continued until the following month in order that the applicant may have the matter reconsidered prior to said hearing. It is expressly understood that no special use public hearing shall be held unless the SPW has otherwise approved the application.

10-14-7: **REQUEST FOR RECONSIDERATION:** If an application is denied or conditionally approved, the applicant may request in writing, within ten (10) days after the decision, a reconsideration of the decision by the SPW. The request for reconsideration shall state specific reasons or changes for the reconsideration. The SPW shall act upon the request for reconsideration within fourteen (14) days of its receipt. Failure to act shall be constituted as denial of the request for reconsideration.

10-14-8: **SPECIFICATIONS:** The SPW has on file a set of specifications that shall apply to borrow pits.

10-14-9: **IMPROVEMENT SECURITY:** As a condition for the issuance of a borrow pit permit, the SPW shall require an improvement security in an amount considered by him to assure performance of the erosion and sediment control work, or the cost of removing the work, or otherwise reconstructing or restoring the site in the event of default on the part of the permittee. The amount of the security should be the cost of the work plus a ten percent (10%) contingency. Said security shall be in the form of cash escrow, a letter of credit, or performance bond, in a form acceptable to the Village. The improvement security shall remain in effect until final inspections have been made and all grading work has been accepted by the SPW. At the discretion of the SPW, any or all of the security may be retained for a period of one year to warrant the work.

Any letter of credit, performance bond, or deposit required pursuant to this Section shall be payable to the Village.

Upon satisfaction of applicable provisions of this Section, the improvement and maintenance securities will be released. However, upon failure to complete the work, failure to comply with all of the terms of the permit, or failure of the erosion and sediment control measures to function properly, the Village may do the required work or cause it to be done and collect from the permittee or surety all costs incurred, including administrative and inspection costs. Any unused portion of a deposit or bond shall be refunded to the permittee after deduction by the Village of the cost of the work.

10-14-10: **SUSPENSION AND REVOCATION OF PERMIT:** The SPW may suspend or revoke a permit for violation of this Chapter, violation of the permit approval, or misrepresentations by permit holder, his agents, employees, or independent contractors under contract with the permittee.

10-14-11: **INJUNCTION:** The Village Attorney has the authority to petition a court of competent jurisdiction for the issuance of a temporary restraining order, preliminary injunction, permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with this Chapter to comply therewith, cease operation, or authorize Village personnel to enter the property and remove or correct the hazardous or unsafe conditions.

10-14-12: **RIGHT OF ENTRY:** Whenever necessary to enforce the provisions of this Chapter, the SPW can enter the premises at all reasonable times to perform any duty imposed by this Chapter. If such entry is refused, the SPW shall have recourse to every remedy provided by law to secure entry.

10-14-13: **STOP WORK ORDERS:** Whenever any work is being done contrary to the provisions of this Chapter or any other applicable law, rule, or regulation, the SPW can order the work stopped by serving written notice on any persons engaged in doing or causing such work to be done. Any such person shall forthwith stop such work until authorized by the SPW to proceed with the work. If there are no persons present on the premises, the notice may be posted in a conspicuous place. The notice shall state the nature of the violation.

10-14-14: **OTHER GENERAL REQUIREMENTS:**

(A) Setback requirements for any borrow pit shall be one hundred fifty feet (150') from any property line or right of way line to the edge of excavation. Pursuant to any special use procedure, said setback requirements may be greater.

(B) The applicant will also have to provide any fencing, screening, or other requirements as may be imposed regarding the issuance of a special use permit.

10-14-15: **FINE:** Any person or entity which violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter shall be fined not less than two hundred dollars (\$200.00) nor more than seven hundred fifty dollars (\$750.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (amd. Ord. 99-37, 12-6-99)

10-14-16: **SEVERABILITY:** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or Ordinance 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 Ordinance or any part thereof. It is hereby declared to be the legislative intent of the Board of Trustees that this Chapter and Ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 86-23, 4-20-87)



## CHAPTER 15

**MIXED-USE ZONING DISTRICT**

## SECTION:

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

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

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

(A) Permitted Uses:

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

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



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

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

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

- (A) Residential uses on the second floor or additional floors provided the first floor is retail or office use.
- (B) Residential uses on main floor provided sixty percent (60%) of main floor is used for retail, office or service, and residential space is a minimum of 500 square feet per unit. Street or building frontage must be devoted to the retail component with residence behind. (amd. Ord. 15-16, 2-1-16)

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

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

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

Lot Coverage:

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

## (B) Minimum Requirements For Building And Pavement:

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

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

Rear: Six feet (6') minimum.

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

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

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

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

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

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

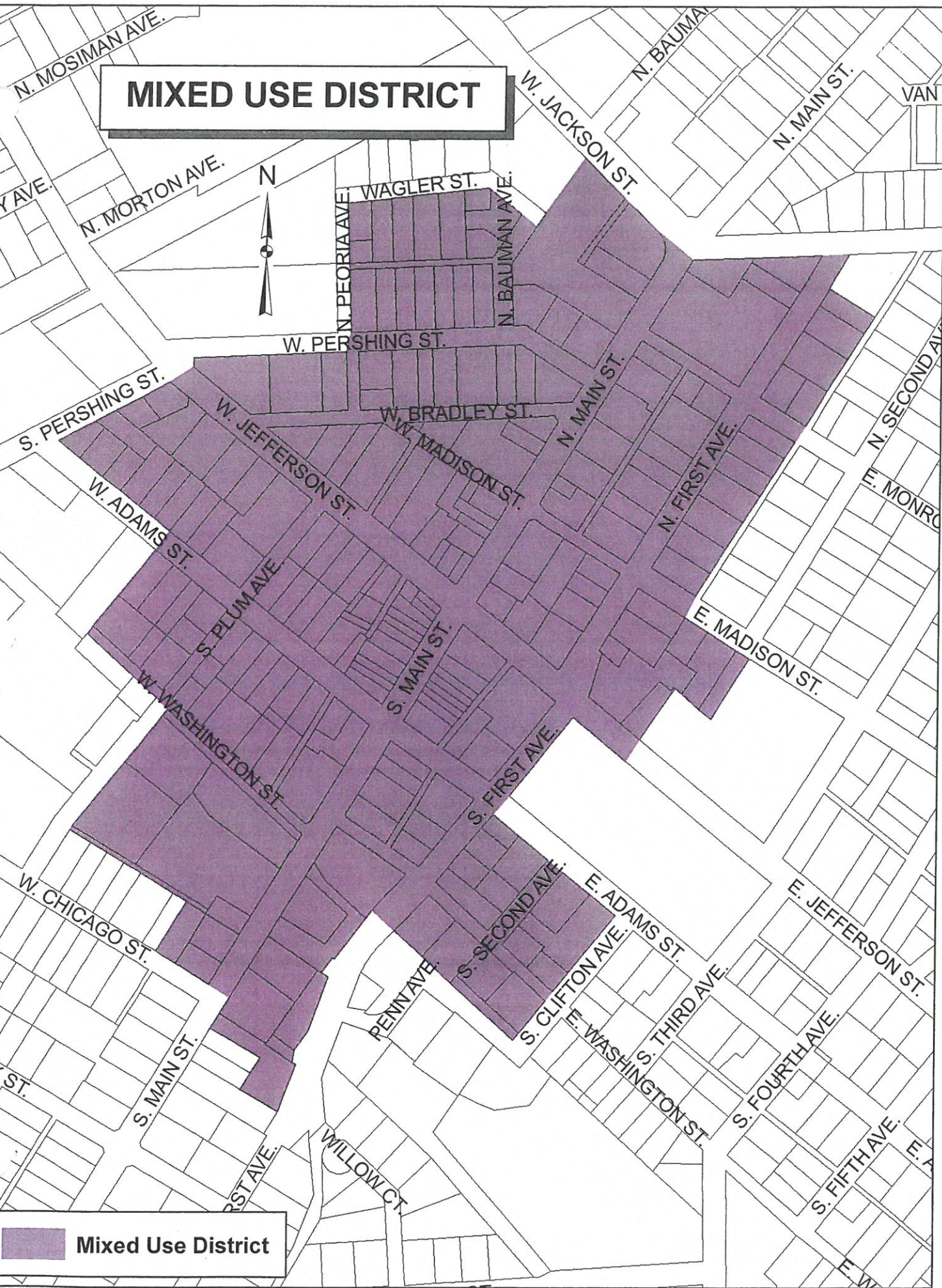
10-15-11 **PARKING:** The design intent of mixed-use development is to encourage pedestrian and alternative methods of transportation. New mixed-use development shall maintain a one-to-one ratio of reserved parking for each residential unit offered in the development or site.


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

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

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

# MIXED USE DISTRICT



 Mixed Use District



**TITLE 11**  
**SUBDIVISIONS**

Subject	Chapter
In General .....	1
Administration And Enforcement .....	2
Procedure .....	3
Design Standards .....	4
Required Improvements .....	5
Fees .....	6
Plat Officer .....	7
Official Map .....	8
Special Restrictions .....	9





CHAPTER 1  
IN GENERAL

## SECTION:

- 11-1-1: Title
- 11-1-2: Purpose
- 11-1-3: Jurisdiction
- 11-1-4: Rules
- 11-1-5: Definitions
- 11-1-6: Interpretation
- 11-1-7: Separability
- 11-1-8: Suitability Of Land For Subdivision
- 11-1-9: Connection To Village Utilities
- 11-1-10: Flood Hazard Areas
- 11-1-11: Public Lands
- 11-1-12: Vacation Of Plats, Streets

11-1-1: **TITLE:** The Title may be known, cited, and referred to as the VILLAGE OF MORTON SUBDIVISION ORDINANCE. (Ord. 80-42, 4-6-81)

11-1-2: **PURPOSE:** This Title, which is part of the Comprehensive Plan of the Village, is adopted to promote and protect the public health, safety, morals, comfort, convenience, and general welfare of the people; to protect the character and maintain the stability of the Village and contiguous unincorporated territory; to assure the orderly development of the Village; and to establish reasonable standards of design and procedure for subdivision, resubdivision, development of land, and the installation of public improvements within the Village and contiguous unincorporated territory. The "Official Map of the Village of Morton" herein referred to and identified by the Title thereon as "Morton, Illinois Official Map", is adopted herein as a part hereof. (Ord. 94-37, 5-1-95; amd. Ord. 00-45,1-2-01; amd. Ord. 06-38, 2-19-07)

11-1-3: **JURISDICTION:** These regulations shall be applicable to all subdivisions, resubdivisions, and development of land within the corporate limits of the Village and contiguous unincorporated territory not more than one and one-half (1 1/2) miles beyond the corporate limits of the Village as shown on the "Official Map of Morton". (Ord. 80-42, 4-6-81; amd. Ord. 00-45, 1-2-01)

For purposes of this Chapter, development includes situations where subdivision may not be required, it being the intent of this Section to include all development within areas lying within one and one-half (1 1/2) miles of the corporate limits whether same is labeled a subdivision or not. (Ord. 00-45, 1-2-01)

11-1-4: **RULES:**

- (A) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
- (B) The word "shall" is mandatory and not discretionary.
- (C) The word "may" is permissive.
- (D) The masculine gender includes the feminine and neuter.
- (E) Whenever a word or term defined herein appears in the text of this Title its meaning shall be construed as set forth in the definition thereof and any word appearing in parenthesis directly thereafter shall be construed in the same manner. (Ord. 80-42, 4-6-81)

11-1-5: **DEFINITIONS:**

ALLEY:	A public right of way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.
BASE FLOOD:	A flood having a one percent (1%) chance of being equaled or exceeded in any given year. This base flood is also known as the 100-year flood.
BLOCK:	A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad right of way, waterways, or boundary lines of the corporate limits of the Village.
CLERK:	The Village Clerk of the Village of Morton.
COLLECTOR STREET:	A street, either residential or commercial/industrial, intended to carry through traffic and to which several minor streets are connected.
COMMISSION:	The Plan Commission of the Village.
COMPREHENSIVE PLAN:	Collectively those documents and Ordinances of the Village relating to zoning, major street planning, and land development.
CONSTRUCTION PLANS:	Plans prepared to show the types, locations, lines, and grades of the proposed streets, storm sewers, sanitary sewers, water mains, etc., in the proposed subdivision and shall include cost estimates.
CUL-DE-SAC:	A street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of all traffic movement.
EASEMENT:	A grant by a property owner of the use of land for a specific purpose.
FINAL PLAT:	The final drawing of the proposed subdivision which shall be presented to the Plan Commission and Village Board for their respective considerations and, if approved, shall be recorded in the Tazewell County Recorder's office for the purpose of conveying land.
FLOOD HAZARD BOUNDARY MAP:	A map delineating "A" zones as areas that are susceptible to the base flood as prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration.
FLOOD OR FLOODING:	A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual or rapid accumulation of runoff of surface waters from any source.
FRONTAGE:	The length of the front property line of lots, tracts, or parcels fronting on a public street, road, or right of way. The frontage of lots shall be measured along the front building setback line, which for this definition shall not be more than thirty five feet (35') from the property line.
GRADE:	The slope of a road, street, or other public way, specified in percent and shown on street profile plans as required herein.
IMPROVEMENT, PUBLIC:	Any sanitary sewer, storm sewer, drainage ditch, watermain, roadway, parkway, sidewalk, planting strip, off-street parking area, lighting, gas mains, or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.



LOT:	A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
LOT, CORNER:	A lot situated at the intersection of two (2) streets.
LOT, THROUGH:	A lot having a pair of opposite lot lines along two (2) substantially parallel public streets and which is not a corner lot.
MORTON SUBDIVISION CONSTRUCTION DETAILS:	The standard detailed drawings of types of streets, curbs, sewer, and water appurtenances, etc., which are to be used in subdivision construction and which are on file in the office of the Plan Director.
OFFICIAL MAP:	Map established herein and on which may be indicated proposed public improvements for the purpose of coordinating the construction of public improvements with future community development.
OWNER:	Any person, group of persons, firm or firms, trust, corporation or corporations, or any other legal entity having legal title to the land sought to be subdivided under this Title.
PARKWAY:	An unpaved strip of land situated within the public right of way of a street.
PEDESTRIAN CROSSWALK OR WAY:	A public right of way within a block, ten feet (10') or more in width, intended primarily for pedestrians but which may include utilities where necessary, and from which motor propelled vehicles are excluded.
PLAN COMMISSION:	The Plan Commission of the Village of Morton.
PLAN DIRECTOR:	The Plan Director of the Village of Morton.
PLAT OFFICER:	The Plat Officer of the Village of Morton.
PRELIMINARY PLAT:	The preliminary drawing indicating the proposed layout of the subdivision to be submitted to the Plan Commission and Village Board for their consideration.
RIGHT OF WAY:	A strip of land occupied or intended to be occupied by a road, sidewalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, drainage ditch, or for other special uses. The usage of the term "right of way" for land platting purposes shall mean that every right of way hereafter established and shown on a final record plat is to be separate and distinct from the lots or parcels adjoining such right of way, and not included within the dimensions or areas of such lots or parcels. Rights of way intended for streets, sidewalks, water mains, sanitary sewers, storm sewers, or any other uses involving future maintenance by a public agency shall be dedicated to public use by the owner of the land on which such right of way is established.
SIDEWALK:	That portion of a public right of way, paved or otherwise surfaced, intended for pedestrian use only.
STANDARD SPECIFICATIONS:	Published improvement construction standards and specifications as adopted or referred to by the Village.
STREET, MINOR RESIDENTIAL:	A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood, and on which through traffic is discouraged.

STREET (Roadway):	The paved portion of a public or private right of way which affords primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated.
STREET WIDTH:	The shortest distance between the fronts or faces of parallel curbs or outer parallel limits of the paved portion of a street.
SUBDIVIDER (Developer):	Any person or corporation or duly authorized agent of the owner who undertakes the subdivision of land as defined herein or the installation of public improvements. (amd. Ord. 06-38, 2-19-07)
SUBDIVISION:	<p>The division of land into two (2) or more parts, any one of which is less than five (5) acres, for the purpose, either immediate or future, of transfer of ownership or building development, except that the following instances shall not be deemed a subdivision of land:</p> <p>(A) The division of land into parcels of five (5) acres or more in size which does not involve any new streets or easements of access.</p> <p>(B) The division of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.</p> <p>(C) The sale or exchange of parcels of land between owners of adjoining and contiguous land.</p> <p>(D) The conveyance of parcels of land for railroads, highways, or other public utilities.</p>
SUBDIVISION DESIGN STANDARDS:	The basic land-planning principles established as guides for the preparation of preliminary plats and are contained in Chapter 4 of this Title.
SUPERINTENDENT OF PUBLIC WORKS:	The Superintendent of Public Works of the Village of Morton.
U.S.G.S.:	United States Geological Survey.
U.S.G.S. QUADRANGLE MAP:	A topographic map as prepared by the U.S.G.S.
VILLAGE BOARD:	The President and Board of Trustees of the Village of Morton.
VILLAGE CLERK:	The Clerk of the Village of Morton.
VILLAGE ENGINEER:	The Engineer of the Village of Morton as may be designated from time to time by resolution of the President and Board of Trustees of the Village of Morton. (Ord. 80-42, 4-6-81; amd. Ord. 94-37, 5-1-95)
ZONING ORDINANCE:	The zoning regulations of the Village as amended, being Title 10 of this Code.

**11-1-6: INTERPRETATION:**

- (A) In their interpretation and application, the provisions of this Title shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare.
- (B) Where the conditions imposed by any provisions of this Title upon the subdivision of land are either more restrictive or less restrictive than any other applicable law, Ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- (C) This Title is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Title are more restrictive or impose higher standards or regulations than such easements, covenants, or other private agreements, the requirements of this Title shall govern.
- (D) No subdivision of land which was not lawfully existing at the time of the adoption of this Title shall become or be made lawful solely by reason of the adoption of this Title, and to the extent and in any manner that said subdivision of land is in conflict with the requirements of this Title, said subdivision of land remains unlawful hereunder.
- (E) Nothing contained in this Title shall be deemed to be a consent, license, or permit to use or subdivide land.
- (F) The provisions of this Title are cumulative and additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter, covering any subject matter in this Title.

**11-1-7: SEPARABILITY:** It is hereby declared to be the intention of the Village that the several provisions in this Title be separable in accordance with the following:

- (A) If any court of competent jurisdiction shall adjudge any provision of this Title to be invalid, such judgment shall not affect any other provision of this Title not specifically included in said judgment.
- (B) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Title to a particular subdivision of land, such judgment shall not affect the application of said provision to any other subdivision of land not specifically included in said judgment.

**11-1-8: SUITABILITY OF LAND FOR SUBDIVISION:**

- (A) Land subject to flooding and land deemed to be topographically unsuitable shall not be subdivided for residential purposes, nor for such other uses as may increase danger to health, life, or property, or aggravate erosion of flood hazard.
- (B) The Commission shall not recommend the approval of the subdivision of land if, in the opinion of the Superintendent of Public Works or the Village Engineer and upon adequate investigation conducted by the Commission, it is determined that subdivision and development of the site as proposed would be detrimental to the best interests of the public.

**11-1-9: CONNECTION TO VILLAGE UTILITIES:** Storm sewers, sanitary sewers, water mains, and gas mains shall not be connected or tied into Village storm sewer, sanitary sewers, water mains, or gas mains until (1) the subdivision has been annexed to the Village, (2) construction plan approval has been granted by the Village Engineer, (3) all fees and assessments have been paid, (4) all necessary permits for such connections have been granted by the appropriate governing agency, and (5) inspection has been made by an authorized agent for the Village.

11-1-10: **FLOOD HAZARD AREAS:** Any subdivision which contains or is a part of "A" zones as delineated on the Flood Hazard Boundary Map must observe all the rules and regulations outlined in Ordinance 77-15, Flood Regulation Ordinance, as now in force or as may be amended from time to time, which Ordinance regulates the construction, substantial improvement, subdivision of land, placement of mobile homes, or other development in relation to flood hazard areas.

11-1-11: **PUBLIC LANDS:**

- (A) Planned public improvement sites may be indicated on the Official Map or may be required by the Village as part of the approval of the subdivision. Such public improvements may include, but are not limited to, roadways and the widening of existing roadways, school sites, park and recreational area sites, public building sites, storm drainage sites, bikeways, and utility easements.
- (B) Whenever the Official Map or the Village has indicated the necessity to provide public improvements within a proposed subdivision, the Plan Commission and the Village Board shall require that certain lands be designated for such public purpose before granting approval to such plat. Furthermore, such site shall be held for that specific public improvement for a period of one year from the date of final plat approval by the Village Board.
- (C) Whenever a site for public improvements has been indicated on an approved final plat the appropriate public agency shall acquire such land or commence proceedings to acquire such land by condemnation within one year from the date of final plat approval; and if the public agency does not do so within such period of one year, the land so designated may then be used by the owner in any manner consistent with this Title and the zoning provisions of Title 10 of this Code.

11-1-12: **VACATION OF PLATS, STREETS:**

- (A) In cases where an application is made to the Village Board to vacate any subdivision or part thereof, prior to the sale of any lot in the subdivision, the Board may by Ordinance order the vacation of all or part of the said subdivision. When lots have been sold, the plat may be vacated providing all the owners of lots in said plat join in the execution of said application.
- (B) In cases where an application is made to the Village Board to vacate any street, alley, or public place, the Board may in such cases order the street, alley, public place, or part thereof vacated and receive from the owner or owners of property abutting on such street, alley, or public place or part thereof so vacated, compensation in an amount which, in the judgment of such Board shall be equal to the benefits which will accrue to the owner or owners of such abutting property by reason of such vacation; provided, that such order of vacation shall be passed by the affirmative vote of at least two-thirds (2/3) of the members of the Board.
- (C) In all cases where application for vacation of any subdivision, street, alley, public place, or part thereof, is made to said Board, such application shall be referred to the Village Attorney, who shall make an investigation of the premises described in such application. The said Attorney shall make a search to determine whether title is in the applicant's name and determine whether any lots or parcels of ground would be adversely affected by such vacations. (Ord. 80-42, 4-6-81)

## CHAPTER 2

**ADMINISTRATION AND ENFORCEMENT**

## SECTION:

- 11-2-1: Administration
- 11-2-2: Enforcement
- 11-2-3: Invalid Plats
- 11-2-4: Unlawful Division
- 11-2-5: Building Within Proposed Street Extensions
- 11-2-6: Engineering And Inspection Fees
- 11-2-7: Variations
- 11-2-8: Amendments
- 11-2-9: Penalties

11-2-1: **ADMINISTRATION:** The following offices of the government of the Village are concerned with the administration of this Title. Specific duties are outlined as follows:

(A) Plan Director: The Plan Director shall be the enforcing officer of this Title, and it shall be his duty to enforce the provisions hereof. The Director may call upon any department or official of the Village to furnish him with such information and assistance as he may deem necessary to effect the proper enforcement of this Title, and it shall be the duty of such department or official to furnish such information and assistance whenever required. In the furtherance of such authority, the Director shall:

1. Maintain permanent and current records of this Title, including amendments thereto;
2. Receive and file all subdivision applications, preliminary plats, and supporting data;
3. Forward copies of the preliminary plat to the Plan Commission for its recommendations and report;
4. Forward copies of the preliminary plat to the Village Board for its consideration;
5. Receive and forward subdivision construction plans and specifications to the Village Engineer for his review;
6. Receive and file all final plats;
7. Forward to the Plan Commission and Village Board all final plats for their approval or disapproval;
8. Collect and keep records of any fees and charges as required by the regulations contained herein;
9. Record in the Tazewell County Recorder's office all approved final plats;
10. Receive and administer performance guarantees; and
11. Make all other determinations required of him by the regulations contained herein. (Ord. 04-53, 3-7-05)

- (B) The Plan Commission: The Plan Commission shall be entrusted with the following responsibilities:
1. Review and recommend approval or disapproval or necessary modifications of all preliminary and final subdivision plats;
  2. Recommend to the Village Board the granting or denial of requests for variations or exceptions subject to the provisions of this Title;
  3. Recommend to the Village Board from time to time such amendments to this Title as the Commission may deem necessary or advisable; and
  4. Make all other determinations required of them by the regulations contained herein.
- (C) The Village Engineer: The Village Engineer is hereby vested with the following responsibilities in regard to subdivision control:
1. Approve or disapprove all engineering plans and specifications relative to subdivision improvements;
  2. Recommend the amount of the guarantee to be provided by the subdivider;
  3. Make periodic and final inspections of subdivision improvements;
  4. Report his findings on all of the above to the Plan Director; and
  5. Make all other determinations required of him by the regulations contained herein.
- (D) The Village Board: The Village Board is vested with the following responsibilities in regard to subdivision control:
1. Approval or disapproval of all preliminary and final plats referred to it by the Plan Commission;
  2. Amend the regulations of this Title when found necessary and desirable as hereinafter provided;
  3. Institute appropriate proceedings to enforce the provisions of this Title;
  4. Approve or disapprove intended dedications or public reservations of land;
  5. Order the vacation of a street, alley, or other public place and fix compensation therefor;
  6. Act upon variance recommendations referred to it by the Plan Commission; and
  7. Make all other determinations required of the Board by the regulations contained herein.
- (E) The Village Attorney: The Village Attorney is vested with the responsibility to review and recommend approval or disapproval of performance guarantees to the Village Board (Ord. 04-53, 3-7-05)
- (F) The Plat Officer: The Plat Officer is hereby vested with the duty and responsibility to review preliminary plats and final plats such that the final plat will be in a form suitable for recordation in the County Recorder's office and that the requirements of this Title and Title 10 of this Code are met. (Ord. 04-53, 3-7-05)

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

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

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

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

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

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

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

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

**11-2-7: VARIATIONS:**

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

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

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

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

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



CHAPTER 3  
PROCEDURE

## SECTION:

- 11-3-1: General
- 11-3-2: Preapplication
- 11-3-3: Preliminary Plat
- 11-3-4: Construction Plans
- 11-3-5: Final Subdivision Plat
- 11-3-6: Guarantee Of Improvement
- 11-3-7: Construction And Inspection
- 11-3-8: Conditional Acceptance Of Improvements
- 11-3-9: Improvement Guarantee
- 11-3-10: Final Acceptance
- 11-3-11: Summary Of Procedures

11-3-1: **GENERAL:** A subdivider, before proceeding with the formal procedure outlined in this Chapter, is urged to ascertain the problems and requirements affecting the subdivision of his property. This may best be accomplished by a meeting with the Plan Director and the Village Engineer to determine general compliance and understanding of all related Village requirements.

11-3-2: **PREAPPLICATION:** Prior to the filing of a preliminary plat, the subdivider may submit material to the Plan Director relating to the proposed subdivision in order to avail himself of the advice and assistance of the Village staff, without the expense and time of a formal application. It is suggested that for a maximum benefit the material should include as a minimum:

- (A) General subdivision information that describes the existing condition of the site and the proposed development. This information may include data on existing covenants, land characteristics, available community facilities and utilities, information describing the subdivision proposal, such as number of residential lots, typical lot width and depth, proposed protective covenants, utilities, street improvements, existing zoning, surrounding land use, and a general location map showing the subdivision's location to/or in the Village.
- (B) A sketch plan showing in simple form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan does not require formal application, fee, or filing of the plat. (Ord. 80-42, 4-6-81)

11-3-3: **PRELIMINARY PLAT:**

(A) Filing the Preliminary Plat:

1. The subdivider shall file six (6) prints of the preliminary plat of the proposed subdivision with the Plan Director for referral to the Plan Commission and other public officials. A transmittal letter shall be filed with the preliminary plat that states the ownership of the land to be subdivided, the engineer, the availability of utilities, variances requested, and other information pertinent to the Commission's consideration.
2. The horizontal locations and vertical elevations shall be tied to the State Plane Coordinate System, Illinois West Zone, NAD 83 (North American Datum of 1983), 1997 adjustment, and the NAVD 88 (North American Vertical Datum of 1988), using the Village of Morton's existing control monument network. State Plane coordinates shall be shown on the site plan for at least two controlling locations. (amd. Ord. 07-18, 7-2-07)

(B) Special Information Required:

1. If the legal owner desires to appoint a duly authorized agent to act on its behalf, it shall file a written statement designating such agent.
2. Any application wherein the title to land is held in a trust shall be signed by the land trustee, and the land trustee shall also disclose in writing the names and amount of beneficial ownership of all persons with a beneficial interest in the trust. Any changes in the beneficial ownership of the trust during the subdivision process shall be immediately disclosed in writing by the trustee.

(C) Contents of the Preliminary Plat: The preliminary plat shall contain the following information:

1. Description:

- (a) Name of proposed subdivision.
- (b) Area of proposed subdivision.
- (c) Name and address of owner and developer.
- (d) Name and address of engineer.
- (e) Scale and north point.
- (f) Location sketch showing relationship of the subdivision with the surrounding area.
- (g) All plats and revised plats must contain date.

2. Existing Conditions:

- (a) Topography by contours with intervals of two feet (2') or less. Contours with intervals of five feet (5') or ten feet (10') may be used for steep terrain.
- (b) The location of all existing property lines, section lines, streets, buildings, water courses, utilities, and other pertinent features within and adjacent to the proposed subdivision.
- (c) The existing zoning classification of the proposed subdivision.

3. Proposed Conditions:

- (a) Location, width, and name of all streets.
- (b) Location and width of all alleys and walkways.
- (c) Layout, lot numbers, and scaled dimensions of all lots.
- (d) Location and size of any areas to be conveyed or reserved for parks, scenic ways, walkways, playgrounds, schools, public buildings, or other similar semi-public uses.
- (e) Designation of any lots to be used for duplex or multi-family development.

4. Certificates: Certain certificates must appear on all preliminary plats. The appropriate forms of certificates are on file at the office of the Plan Director, and the subdivider shall consult the Plan Director and provide the appropriate certificates on the preliminary plat. (Ord. 80-42, 4-6-81)

## (D) Plan Commission Action:

1. The Plan Director shall submit to the Plan Commission, at least ten (10) days prior to the next regularly scheduled meeting of the Plan Commission, six (6) copies of the preliminary plat, along with written recommendations of the Village Engineer and Zoning Officer. (Ord. 94-37, 5-1-95)
2. The date of the meeting of the Plan Commission wherein the preliminary plat is first presented shall be deemed the formal application date. Within ninety (90) days of the formal application date, the Plan Commission shall approve, approve with recommendations, or disapprove the preliminary plat. The ninety (90) day time limit may be extended by mutual consent of the subdivider and Plan Commission.
3. If the recommendation of the Commission on the proposed plan of subdivision is for disapproval, then within said ninety (90) day period the Plan Commission shall furnish to the subdivider a written statement setting forth the reasons for disapproval and specifying with particularity the aspects in which the proposed plat fails to conform to this Title including the Official Map.
4. If the preliminary plat is approved by the Plan Commission, one copy of the proposed plat, together with a copy of the findings of the Commission upon hearing, shall be filed by the Commission with the Village Clerk.

## (E) Village Board Action:

1. Time Requirement: The Village Board shall accept or reject said preliminary plat within thirty (30) days after its next regularly scheduled meeting following the action of the Plan Commission.
2. If Approved: If the preliminary plat is approved, the Village Clerk shall attach a certified copy of the resolution of approval to a copy of the plat.
3. If Disapproved: If the preliminary plat is disapproved, the resolution shall state the reasons for disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to this Title including the Official Map.

## (F) Procedure if Preliminary Plat Approved:

1. Approval of the preliminary plat shall not constitute approval of the final plat, nor does it qualify the plat for recording. Said approval shall only be deemed as approval of the layout submitted on the preliminary plat as a guide to the preparation of a final plat.
2. A reproducible preliminary plat with the Clerk's certificate shall remain on file with the Village Clerk, and a copy of the plat so endorsed shall be returned to the subdivider. Additional copies of the preliminary plat shall also be provided by the subdivider for the Village Engineer and Plat Officer.

11-3-4: **CONSTRUCTION PLANS:**

## (A) Construction Plans Submission:

1. The subdivider shall submit four (4) sets of detailed construction drawings and an estimate of costs to the Plan Director simultaneously or prior to submission of the final plat. The drawings shall be in accordance with all design standards of this Title and applicable local, County, and State design standards.
2. The horizontal locations and vertical elevations shall be tied to the State Plane Coordinate System, Illinois West Zone, NAD 83 (North American Datum of 1983), 1997 adjustment, and the NAVD 88 (North American Vertical Datum of 1988), using the Village of Morton's existing control monument network. State Plane coordinates shall be shown on the site plan for at least two controlling locations. (amd. Ord. 07-18, 7-2-07)

(B) Contents of Construction Drawings:

1. All drawings shall be prepared by or under the direct supervision of an Illinois Registered Professional Engineer and signed and sealed by same.
2. All drawings shall be neatly drawn on reproducible twenty four inch by thirty six inch (24" x 36") sheets at suitable scale and consist of a minimum of:
  - (a) Plan and profile for streets.
  - (b) Cross sections for streets.
  - (c) Plan and profile for sanitary sewers.
  - (d) Plan and profile for storm sewers.
  - (e) Plan for watermains and appurtenances.
  - (f) Plans for street lighting.
  - (g) Construction details.
  - (h) Specifications.
3. All plan views shall include all utilities including sidewalks, where required, to clearly relate the position of each item in relation to the others.
4. Each sheet shall be numbered and contain basic information as to project name, north arrow, scale, and date.
5. All lots shall be clearly numbered and relate exactly to the final plat.
6. The basis of design shall be submitted for all construction including drainage calculations.
7. All construction details including standard details shall be shown with required dimensions and general notes.

(C) Plan Director Action:

1. The Plan Director shall forward four (4) sets of the construction drawings to the Village Engineer. The Village Engineer shall review the drawings and shall either approve the drawings, approve as noted or require resubmittal if the modifications are extensive.
2. When the plans are approved, the four (4) sets of drawings shall be clearly marked and signed on each title sheet as follows:

*"Approved for the Village of Morton*

\_\_\_\_\_

By: \_\_\_\_\_  
*Village Engineer"*

The Plan Director shall retain one approved set and forward one approved set each to the subdivider, the Village Engineer, and the Village Clerk.

3. When the construction plans are approved, the subdivider may submit the final plat to the Plan Commission for its consideration.

11-3-5: **FINAL SUBDIVISION PLAT:**

## (A) General Requirements:

1. Time Limit on Subdivider: Application for final approval of a plat shall be made within twelve (12) months after preliminary approval has been granted by the Village Board.
2. Within the aforesaid time period the subdivider shall file the original and six (6) prints of the final plat of the proposed subdivision with the Plan Director, together with a letter of transmittal stating that the final plat substantially conforms to the approved preliminary plat and specifying in what particulars the final plat deviates from the preliminary plat. Said letter of transmittal shall also include a request for consideration of the final plat by the Plan Commission and shall be received by the Plan Director at least twenty-one (21) days before the next regularly scheduled meeting of the Commission. (amd. Ord. 05-10, 7-18-05)
3. The Plan Commission shall have forty five (45) days to review and consider the final plat and shall approve or disapprove same in the same manner and form as preliminary plat.
4. If the Plan Commission has recommended approval of the final plat, then the Village Board shall approve or disapprove the final plat within sixty (60) days after its next regularly scheduled meeting following the action of the Plan Commission.
5. If the Village Board disapproves the final plat, the resolution shall state the reasons for the disapproval, specifying with particularity the aspects in which the proposed plat fails to conform to this Title.
6. If the Village Board approves the final plat, the Village Clerk shall retain the original plat in his office.
7. The Village shall execute the requisite certificate on the final plat only after all fees, financial guarantees, and other required documents have been duly executed and provided to the Village.
8. For all final plats, a digital media copy of such information shall be submitted in an ESRI Shapefile, or other computer readable format compatible with the Village of Morton mapping software, prior to its review by the Village Board. (Ord. 04-53, 3-7-05; amd. Ord. 05-46, 3-6-06)
9. The horizontal locations and vertical elevations shall be tied to the State Plane Coordinate System, Illinois West Zone, NAD 83 (North American Datum of 1983), 1997 adjustment, and the NAVD 88 (North American Vertical Datum of 1988), using the Village of Morton's existing control monument network. State Plane coordinates shall be shown on the site plan for at least two controlling locations. (Ord. 07-18, 7-2-07)

## (B) Contents of the Final Plat: The final plat shall be submitted on mylar and shall contain the following information: (amd. Ord. 00-56, 4-2-01)

1. General:
  - (a) Name of subdivision.
  - (b) General legal description.
  - (c) Area of subdivision.
  - (d) Scale (1" = 100' or larger) and north point.
2. Existing Conditions:
  - (a) The location of all existing section lines, lot lines, and street lines lying within or adjacent to the subdivision.

- (b) The location of survey monuments found and used in determining the boundaries of the subdivision.

3. Proposed Conditions:

- (a) The boundary of the subdivision.
- (b) Location, width, and names of all streets.
- (c) Location and width of all alleys and walkways.
- (d) Layout and lot numbers of all lots.
- (e) All dimensions, both linear and angular, necessary for locating the subdivision boundaries, lots, streets, alleys, walkways, easements, setback lines, and other areas for public or private use. Linear dimensions shall be given to the nearest hundredth of a foot; angular dimensions shall be given to the nearest ten (10) seconds.
- (f) Angular and linear dimensions to the nearest quarter section line and corner.
- (g) Designation of any lots that are to be reserved for parks, playgrounds, schools, or other public uses.
- (h) Designation of any lots to be used for duplex or multi-family use.
- (i) Location of survey monuments.

4. Certificates: Certain certificates must appear on all final plats. The appropriate forms of certificates are on file at the office of the Plan Director, and the subdivider shall consult the Plan Director and provide the appropriate certificates on the final plat.

11-3-6: **GUARANTEE OF IMPROVEMENT:**

- (A) Prior to approval of the final plat, the subdivider shall provide one of the following:
  1. A corporate surety bond equal to one hundred percent (100%) of the cost of the improvement.
  2. A cash deposit in the sum of one hundred percent (100%) of the cost of the improvement.
  3. An irrevocable letter of credit from a bank or other financial institution in an amount equal to one hundred percent (100%) of the cost of the improvement.
- (B) For purposes of this Section, cost of the improvement is defined as an amount equal to the approved cost estimate of the project, including, but not limited to, reasonable inspection fees to be borne by the subdivider necessary to conform to the requirements established by this Title.
- (C) The Village Attorney must approve, as the case may be, the following:
  1. The corporate surety and the terms and conditions, including, but not limited to, the specific language of the bond.
  2. The depository and escrow agreement in the event a cash deposit is made.
  3. The bank, or other financial institution, and terms and conditions of the irrevocable letter of credit.
- (D) Whichever manner of providing guarantee is chosen by the subdivider, the exact terms and conditions of same will be drafted and executed to accomplish the following:

1. The Village will have sole authority to determine if the construction of the improvements is being accomplished in conformity with the requirements of this Title.
  2. In the event the construction of the improvements is not being accomplished in conformity with the requirements of this Title, all or such part of the bond, cash deposit, or letter of credit, as the Village deems appropriate, may be immediately forfeited and paid to the Village.
  3. If the subdivider disputes the decision of the Village as to forfeiture, its sole remedy shall be to institute litigation as it deems appropriate.
- (E) Up to eighty percent (80%) of the guarantee may be released from time to time as construction is completed and conditionally approved. (Ord. 80-42, 4-6-81)
- (F) Upon completion and conditional approval of all subdivision improvements, the subdivider shall provide a two year written guarantee of the improvements and shall provide a financial guarantee in a form and substance to be approved by the Village Board in one of the following ways:
1. Maintain twenty percent (20%) of the existing guarantee in force.
  2. Provide a new guarantee for twenty percent (20%) of the original amount upon release of the original guarantee. (Ord. 80-42, 4-6-81; amd. Ord. 99-54, 4-17-00)
- (G) Upon final acceptance of the subdivision improvements by the Village Engineer, the Village Board shall release the guarantee. (Ord. 89-4, 6-19-89)

11-3-7: **CONSTRUCTION AND INSPECTION:**

- (A) After approval of the construction plans and final plat, the subdivider shall submit copies of all required state and local permits to the Village Engineer.
- (B) Upon receipt and approval of all required permits, the Village Engineer shall give written approval to the subdivider to proceed with construction.
- (C) The subdivider shall be ultimately responsible for the final location, elevation, quality, and condition of all improvements and shall employ competent contractors and engineers for this requirement. The condition of the improvements at the time of inspection shall be the basis upon which the improvements are rejected or conditionally accepted.
- (D) The subdivider shall provide sufficient engineering inspection so that the subdivider's engineer can certify that all construction was completed substantially in accordance with the approved plans.
- (E) The subdivider or his engineer or contractor shall notify the Village Engineer at least twenty four (24) hours in advance of the following construction operations:
1. Grading.
  2. Sanitary sewer construction.
  3. Storm sewer construction.
  4. Curb and gutter construction.
  5. Base course construction.
  6. Water main construction.
  7. Sump drain line construction.
  8. Street light construction.
  9. Surface course construction. (Ord. 80-42, 4-6-81)

- (F) The Village Engineer shall periodically inspect the various stages of construction at his discretion and shall give conditional approval at the completion of each stage of work. The Village Engineer may require that various tests be made during construction in accordance with the applicable specifications including, but not limited to:
1. Grading - compaction tests.
  2. Sanitary sewer - air test, T.V. test, lamping, visual, and mandrel.
  3. Storm sewer - lamping and visual.
  4. Curb and gutter - cylinders, slump, and air test.
  5. Base course - sieve, compaction test, and cores.
  6. Water main - pressure test and visual.
  7. Sump drain line - lamping, visual, and mandrel. (Ord. 80-42, 4-6-81; amd. Ord. 94-37, 5-1-95)
- (G) All testing required by the Village Engineer shall be done by the subdivider at the direction of the Village Engineer.
- (H) Upon completion of construction and correction of defects, the subdivider shall submit a written request for approval of all subdivision improvements except sidewalks, along with a certification by his engineer that all improvements were completed in accordance with the approved plans.
- (I) The subdivider's engineer shall submit one set of mylar "as-built" construction plans and one set of paper "as-built" construction plans to the Village Engineer for his records, as well as a digital media copy in an ESRI Shapefile, or other computer readable format compatible with the Village of Morton mapping software. (Ord. 80-42, 4-6-81; amd. Ord. 00-56, 4-2-01; amd. Ord. 05-46, 3-6-06)
- (J) The horizontal locations and vertical elevations shall be tied to the State Plane Coordinate System, Illinois West Zone, NAD 83 (North American Datum of 1983), 1997 adjustment, and the NAVD 88 (North American Vertical Datum of 1988), using the Village of Morton's existing control monument network. State Plane coordinates shall be shown on the site plan for at least two controlling locations. (Ord. 07-18, 7-2-07)
- 11-3-8: **CONDITIONAL ACCEPTANCE OF IMPROVEMENTS:** Upon satisfactory correction and/or completion of all subdivision improvements, the Village Engineer shall conditionally accept said improvements, subject to the two year guarantee period. The Plan Director shall notify the subdivider, in writing, when the improvements have been conditionally accepted, and said date shall be the beginning of the two year guarantee period. (Ord. 89-4, 6-19-89; amd. Ord. 99-54, 4-17-00)
- 11-3-9: **IMPROVEMENT GUARANTEE:** Upon conditional acceptance of the subdivision improvements by the Village, the subdivider shall provide the Village with a written two year guarantee against structural failure of any of said improvements. The subdivider shall provide a financial guarantee equal to twenty percent (20%) of the construction cost of subdivision improvements for this guarantee. Structural failure shall be as determined by the Village Engineer. At the end of the two year period, the Village Engineer shall inspect the subdivision and inform the subdivider of any defects that must be corrected. If the subdivider does not correct the defects, the Village may declare a forfeiture of the guarantee. (Ord. 80-42, 4-6-81; amd. Ord. 99-54, 4-17-00)
- 11-3-10: **FINAL ACCEPTANCE:** Upon completion and acceptance of any corrections by the Village Engineer, the subdivider's guarantee shall be released by the Village Board. (Ord. 89-4, 6-19-89)



11-3-11: **SUMMARY OF PROCEDURES:** The following summary of procedures indicates the normal process for the development of subdivisions and the party responsible for the completion of each step:

<u>Function</u>	<u>Responsibility</u>
1. Optional preapplication meeting with the Plan Director. (amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
2. Submit preliminary plat to Plan Director. (amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
3. Submit preliminary plat to Plan Commission with comments of Plan Director, Village Engineer, Plat Officer, and Zoning Enforcing Officer.	Plan Director
4. Review preliminary plat.	Plan Commission
5. Submit preliminary plat to Village Board.	Plan Director
6. Review preliminary plat.	Village Board
7. Submit construction plans, specifications, and estimates of cost to the Plan Director for delivery to the Village Engineer. (amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
8. Review construction plans and hold preconstruction conference.	Village Engineer
9. Submit final plat to Plan Director along with financial guarantee for improvements. (amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
10. Check final plat for compliance with preliminary plat and submit to Plan Commission.	Plan Director
11. Plan Commission review of final plat.	Plan Commission
12. Submit final plat to Village Board. (amd. Ord. 00-56, 4-2-01)	Plan Director
13. Review final plat, financial guarantee. and Attorney	Village Board
14. Pay all required fees to the Village of Morton. (amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
15. Record final plat with permission of subdivider. (Ord. 04-53, 3-7-05)	Plan Director
16. Certify completed construction to Village of Morton. (amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
17. Submit as-built plans to the Village Engineer. (amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)

<u>Function</u>	<u>Responsibility</u>
18. Conditionally accept improvements.	Village Engineer
19. Provide two year guarantee of improvements. (amd. Ord. 99-54, 4-17-00; amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
20. Correct defects at end of two years. (amd. Ord. 99-54, 4-17-00; amd. Ord. 06-38, 2-19-07)	Subdivider (Developer)
21. Final acceptance of improvements. (Ord. 80-42, 4-6-81)	Village Engineer
22. Release guarantee. (Ord. 89-4, 6-19-89)	Village Board

CHAPTER 4  
DESIGN STANDARDS

## SECTION:

- 11-4-1: General
- 11-4-2: Streets
- 11-4-3: Easements
- 11-4-4: Blocks
- 11-4-5: Lots
- 11-4-6: Public Sites And Open Spaces

The following standards and principles of design shall guide the laying out of subdivisions:

11-4-1: **GENERAL:**

- (A) The design of the subdivision shall be in harmony with and shall conform with the "Official Map" and shall be in accordance with good subdivision design principles not otherwise set forth herein.
- (B) Natural features, such as distinctive trees or vegetation, streams, ponds, hilltops, bluffs, creek bottoms, and outlook views, shall be preserved and enhanced wherever possible. In laying out a subdivision due consideration shall be given to such aesthetic features existing within the tract being subdivided and which may add to the aesthetic quality of existing nearby subdivisions. (Ord. 80-42, 4-6-81)

11-4-2: **STREETS:**

- (A) The course, width, grade, and location of all streets shall conform to the "Official Map" and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (B) Where not shown on the "Official Map", the arrangement of streets in a subdivision shall either:
  1. Provide for the continuation or projection of existing streets in surrounding areas; or
  2. Conform to topographic or other conditions where continuance or projection of existing streets is impractical or undesirable from the community viewpoint.
- (C) Minor residential streets shall be so laid out that their use by through traffic will be discouraged.
- (D) Access to an existing or proposed major street or a railroad right of way or rail crossing shall be limited to a minimum number of intersections and determined with due regard for sight distance, distance between intersections, approach grades, and requirements for future grade separations.
- (E) No street grade shall be less than one-half of one percent (0.5%) or more than seven percent (7%).

- (F) Street intersections:
  1. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than sixty degrees (60°).
  2. Street intersections with centerline offsets of less than one hundred twenty five feet (125') are prohibited.
  
- (G) Horizontal deflection of street lines:
  1. Where connecting street lines deflect from each other more than ten degrees (10°), they shall be connected with a curve with a radius adequate to assure sight distance.
  2. A tangent at least one hundred feet (100') long shall be introduced between curves on collector streets where the curve radius is less than five hundred feet (500').
  
- (H) Alleys shall not be permitted in residential districts.
  
- (I) Right of Way: Street right of way widths not shown on the "Official Map" shall not be less than as follows:
 

Commercial/industrial collector street	68 feet
Residential collector street	68 feet
Minor commercial/industrial street	55 feet
Minor residential street	55 feet
Alley	20 feet
  
- (J) In a subdivision that adjoins or includes an existing street that does not conform to the right of way width required above, one-half (1/2) of the additional width shall be provided along each side of such street for the entire frontage included within the land being subdivided, or as the Plan Director may determine is proper. (Ord. 80-42, 4-6-81)
  
- (K) Dead-end streets shall be no longer than six hundred feet (600'), unless limitation of the site by reason of topography or existing development make impractical development except with a longer length. They shall be provided with a circular turnaround having an outside surface diameter of at least eighty feet (80') and right of way line diameter of at least one hundred one feet (101'). The center of the turnaround shall be located on the centerline or between the centerline of the street and its left right of way line, facing into the turnaround. (Ord. 94-37, 5-1-95)
  
- (L) All streets shall be dedicated to the public.
  
- (M) Reserved strips controlling access to street rights of way shall not be permitted except upon approval of the Plan Director and when control and disposition of the reserved strip is vested in the Village Board.
  
- (N) Street names and numbers:
  1. The continuation of an existing street shall have the same name. The name of a new street shall not duplicate the name of an existing street within the area served by the same post office or fire department.
  2. If a proposed subdivision is in close proximity to a municipality which has adopted a street numbering system, the lots within the subdivision shall be assigned street numbers in accordance with that municipal street numbering system, where practicable. (Ord. 80-42, 4-6-81)

(O) The Village requires compliance with this subdivision ordinance as it pertains to streets, including curb and gutter and storm sewer, sidewalks, street lights and storm water detention, for all developments within the one and one-half (1.5) mile border of its corporate boundaries. (Ord. 09-14, 7-6-09)

11-4-3: **EASEMENTS:** Easements across lots for utilities, cable television, water course, drainage way, channel, or stream shall not be less than twelve feet (12') wide and shall be adjacent to or centered on lot lines. (Ord. 80-42, 4-6-81)

11-4-4: **BLOCKS:**

(A) The length, width, and shape of blocks shall be determined with regard to:

1. Provision of adequate building sites for the type of use contemplated.
2. Requirements as to lot size and dimensions.
3. Needs for convenient access circulation, control, and safety of street traffic.
4. Limitations and opportunities for topography.

(B) Block lengths shall not exceed one thousand three hundred twenty feet (1,320').

(C) In cases where the block length exceeds six hundred feet (600') and where deemed essential by the Plan Director to provide pedestrian circulation to schools, playgrounds, shopping centers, and other community facilities, an easement dedicated to the public for a pedestrian crosswalk not less than ten feet (10') wide shall be provided and a five foot (5') wide sidewalk constructed. (Ord. 80-42, 4-6-81)

11-4-5: **LOTS:**

(A) All provisions of the Village Zoning Ordinance concerning lots shall apply including lot area, width, and depth. No parcel, remainder, gore, outlot, or remnant of land which is part of the tract being subdivided shall be created which, by reason of lot width, depth, area, frontage, topography, or lack of access thereto, cannot be used as a zoning lot, or be subject to further subdivision in accordance with the terms of this Title. Any remaining parcel or outlot which cannot be made to comply with the foregoing shall be eliminated by combining the area thereof with one or more adjoining lots which do comply or by conveying same for the appropriate public use to a public body, subject to its acceptance of same.

(B) The lot shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(C) Double frontage lots shall be avoided except where essential to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation.

(D) Side lot lines shall be substantially at right angles or radial to street lines. (Ord. 80-42, 4-6-81)

11-4-6: **PUBLIC SITES AND OPEN SPACES:** When a proposed park, playground, or school site is shown on the "Official Map", or in the opinion of the Plan Director is necessary for the public welfare, the Plan Director may require the reservation of the appropriate area as specified in Section 11-1-11. (Ord. 80-42, 4-6-81)



## CHAPTER 5

**REQUIRED IMPROVEMENTS**

## SECTION:

- 11-5-1: General
- 11-5-2: Erosion Control
- 11-5-3: Grading
- 11-5-4: Sanitary Sewer System
- 11-5-5: Storm Drainage System
- 11-5-6: Sump Drain Line System
- 11-5-7: Water Main Supply System
- 11-5-8: Streets
- 11-5-9: Street Lights
- 11-5-10: Monuments
- 11-5-11: Certification Of Improvements

11-5-1: **GENERAL:**

- (A) The improvements outlined in this Chapter are required in the development of all subdivisions.
- (B) Any proposed improvement which deviates from or is not defined by these specifications shall be submitted to the Plan Director for review and consideration. (Ord. 89-4, 6-19-89)

11-5-2: **EROSION CONTROL:** All grading, site work, or installation of any required improvements shall be done in such manner as to prevent polluting, flooding, washing, erosion, silting, or other impairment of adjacent properties, rights of way, storm drainage channels, or bodies of water. This shall be accomplished by the method of construction and through the use of berms, dikes, dams, sediment basins, fiber mats, netting, mulches, grasses, slope drains, or other erosion control devices. Erosion and pollution control shall be the responsibility of the subdivider. (Ord. 89-4, 6-19-89)

11-5-3: **GRADING:** Grading to the lines and grades shown on the appropriate street section in the "Morton Subdivision Construction Details" shall be done within the right of way lines. Grading outside the right of way lines shall be in accordance with the approved construction plans. (Ord. 89-4, 6-19-89)

11-5-4: **SANITARY SEWER SYSTEM:**

- (A) The subdivider shall provide the subdivision with a complete sanitary sewer system which shall be connected with the Municipal sanitary sewer system, if possible.
- (B) When no Municipal sanitary sewer system is available or is not reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system which shall be connected to a sanitary sewer system approved by the Illinois Department of Public Health and/or the Illinois Environmental Protection Agency.

- (C) When no approved sanitary sewer system is available, or is not reasonably accessible to the subdivision, one of the following methods of sewage disposal shall be used:
1. A complete sanitary sewer system shall be constructed and connected to a treatment plant provided by the subdivider, in accordance with the requirements of the Illinois Environmental Protection Agency, with adequate provision for the operation and maintenance of said plant.
  2. Private sewage disposal systems on individual lots consisting of septic tanks and tile absorption fields or other approved sewage disposal systems laid out in accordance with the provisions of "An Ordinance Establishing Regulations for the Protection of the Sanitary Health in Tazewell County", adopted August 17, 1967, and any subsequent revisions thereto, shall be constructed.
- (D) Whenever a private sewage disposal system is to be utilized, the subdivider shall require as a condition of the sale of each lot in the subdivision that the private sewage disposal system be constructed by the owner of the lot before occupation of the lot occurs.
- (E) No storm sewers, sump drain lines, footing tile lines, etc., shall be connected to sanitary sewer lines.
- (F) Sanitary sewer pipe shall have a minimum diameter of eight inches (8") for main line sewers and six inches (6") for lateral sewers, and shall be of the following material: (Ord. 89-4, 6-19-89)
1. Sanitary sewer pipe six inches (6") to twenty four inches (24") in diameter laid in depths from four feet (4') to twenty eight feet (28') shall be extra strength vitrified clay pipe conforming to ASTM Designation C-700-74 or D.I. conforming to the requirements of ANSI Specification A21.51, with joints meeting the requirements of ANSI Specification A21.11. PVC pipe may be used with Village approval and shall be SDR26, D3034 material. Laterals will use SDR26 solvent weld fittings and fabricated heavy-duty tees. (Ord. 94-37, 5-1-95; amd. Ord. 05-46, 3-6-06)
  2. Compression joints for all extra strength vitrified clay bell and spigot pipe shall meet or surpass ASTM Designation C-425-75.
  3. Compression couplings for six inch (6") to twelve inch (12") vitrified clay plain end pipe shall be furnished with a factory installed PVC collar instead of a clay bell and shall meet or surpass the performance requirements of ASTM C-594-74. The PVC collar shall conform to the requirements of ASTM Designation D-1784-69, Class 12454-B. (Ord. 89-4, 6-19-89)
- (G) A tee and lateral shall be constructed for each individual lot or parcel in the subdivision and shall be a minimum of six inches (6") in diameter. The six inch (6") lateral shall extend to twelve feet (12') beyond the right of way line. A service riser may be required by the Village Engineer if the depth of the main line sewer is excessive. The material for the lateral pipe shall be as specified in Subsection 11-5-4(F). All fittings, including tees, shall be fabricated heavy-duty SDR26 PVC. (Ord. 94-37, 5-1-95; amd. Ord. 99-54, 4-17-00; amd. Ord. 05-46, 3-6-06)
- (H) Manholes shall be built where sewers change in size, slope, or direction, and at a maximum spacing of four hundred feet (400') for sewers fifteen inches (15") and less in diameter and five hundred feet (500') for sewers eighteen inches (18") through thirty inches (30") in diameter. Manholes shall be precast concrete as detailed in the "Morton Subdivision Construction Details". Brick manholes require the prior approval of the Village Engineer. All manholes shall be vacuum-tested before acceptance. (amd. Ord. 05-46, 3-6-06)



- (I) All sanitary sewer construction shall be done in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois", latest edition. All sanitary sewer trenches shall be backfilled with approved material and compacted by approved methods.
- (J) If larger size sewers are required by the Village to serve areas other than the subdivision, the cost difference may be paid by the Village in accordance with the policies in effect at the time the subdivision is considered.
- (K) Upon completion of the sanitary sewer system, the subdivider's engineer shall certify that the sanitary sewer system has been constructed in accordance with the approved plans and specifications and shall furnish the Village with copies of the as-built plans. (Ord. 89-4, 6-19-89)

11-5-5: **STORM DRAINAGE SYSTEM:**

- (A) The subdivider shall provide the subdivision with a storm drainage system that is acceptable to the Village Engineer, which shall include storm water detention.
- (B) The storm drainage system shall be adequate to properly drain the subdivision and all other upstream areas that are tributary to the subdivision. Runoff from such upstream areas shall be calculated as if they were fully developed according to their existing zoning classifications. (Ord. 89-4, 6-19-89)
- (C) The storm drainage system shall be designed using a minimum 5-year storm at the upstream end of the system and a minimum 10-year storm for the remainder of the system and shall provide for flood routes. (Ord. 94-37, 5-1-95)
- (D) The storm drainage system discharge onto adjacent downstream properties shall be designed so as not to increase the rate of runoff in conformance with the drainage laws of the State of Illinois.
- (E) The storm drainage system discharge points shall be provided with erosion control and velocity dissipation structures adequate to prevent damage to downstream properties.
- (F) The standard drainage structures included in the "Morton Subdivision Construction Details" shall be used unless special structures are required.
- (G) All storm sewer construction shall be performed in accordance with the "Standard Specifications for Road and Bridge Construction" of the State of Illinois, latest edition. All storm sewers shall be backfilled with approved trench backfill material and compacted by approved methods.
- (H) All field tiles encountered during construction shall be repaired as directed by the Village, with the size, location, and depth indicated on the as-built plans. (Ord. 89-4, 6-19-89)

11-5-6: **SUMP DRAIN LINE SYSTEM:**

- (A) The subdivider shall provide the subdivision with sump drain lines to drain the sump pump discharge lines from each individual lot or parcel in the subdivision.
- (B) Manholes or cleanouts shall be provided on the sump drain lines at a maximum spacing of three hundred feet (300'). Sump drain lines shall be discharged into drainage swales or storm sewer inlets or manholes.
- (C) A tee and lateral shall be provided for each lot or parcel in the subdivision to which the lot owner's sump pump drain line shall be connected.

- (D) All sump drain line construction shall be in accordance with the standard drawing in the "Morton Subdivision Construction Details". (Ord. 89-4, 6-19-89)

11-5-7: **WATER MAIN SUPPLY SYSTEM:**

- (A) The subdivider shall provide the subdivision with a complete water main supply system which shall be connected to the Municipal water supply. Water systems shall be looped (meaning having two distinct sources of supply or points of connection to the existing system) wherever possible. Where not presently possible, main shall be installed to allow for future looping. (amd. Ord. 02-41, 5-5-03)
- (B) If connection to the Municipal system is not reasonable or feasible, the subdivider shall provide a complete water main supply system connected to a community water supply system approved by the Illinois Department of Public Health with satisfactory provision for the operation and maintenance thereof.
- (C) If connection to an approved community water supply system is not reasonable or feasible, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with minimum standards set forth in "An Ordinance Establishing Regulations for the Protection of Sanitary Health in Tazewell County, Illinois," adopted August 17, 1967, and all subsequent revisions thereto.
- (D) If the subdivider provides an individual water supply for each lot, he shall require, as a condition of the sale of the lot, that the water supply is constructed prior to occupation of the lot by the owner.
- (E) Water mains shall be Ductile Iron, cement lined, Class 52 pipe, unless approved otherwise by the Village Engineer.
- (F) Water mains shall be a minimum of eight inches (8") in diameter, unless otherwise approved by the Village Engineer. Larger size water mains shall be provided if required to adequately serve the proposed subdivision. If larger size mains are required by the Village to serve areas other than the proposed subdivision, the cost difference may be paid by the Village in accordance with the current policies in effect at the time the subdivision is considered. (amd. Ord. 99-54, 4-17-00)
- (G) Village standard fire hydrants shall be provided at a maximum spacing of six hundred feet (600'). The location of the hydrants shall be at lot lines and at block corners.
- (H) Gate valves and boxes shall be provided to adequately valve the water system.
- (I) The water mains shall be located generally on the south and west sides of streets, between the sidewalk and curb with a minimum cover of four feet six inches (4'6").
- (J) All street crossings shall be backfilled with CA-6 gravel and mechanically compacted in eight inch (8") lifts to a point five feet (5') behind the curb.
- (K) All water main and service construction shall be performed in accordance with the "Standard Specifications for Water and Sewer Main Construction in Illinois", latest edition, and the Village's "Watermain Material Specifications and Installation Standards". (amd. Ord. 99-54, 4-17-00)
- (L) An individual water service shall be installed for each lot or parcel in the subdivision in accordance with the "Morton Subdivision Construction Details". (Ord. 89-4, 6-19-89)

- (M) For new mains, all hydrostatic pressure and leakage testing (including filling, flushing, and disinfection testing) shall be performed by the Village of Morton Water Department with the cost to be paid by the developer or contractor.

The fee for one set of tests shall be set by the Superintendent of Public Works and is due before the work is to be done. If the system fails to pass any of the tests, retesting shall be done at an additional time and material cost, which is also the responsibility of the developer or contractor. (amd. Ord. 02-35, 3-17-03)

11-5-8: **STREETS:**

- (A) Streets shall be provided in accordance with the appropriate street sections contained in the "Morton Subdivision Construction Details" on file in the office of the Plan Director. If streets larger than that required for the subdivision are necessary and appropriate, the Village may participate in accordance with the policies in effect at the time the subdivision is considered.
- (B) All street construction shall be done in accordance with the "Standard Specifications for Road and Bridge Construction" of the State of Illinois, latest edition, and in accordance with the approved construction plans.
- (C) All underground utilities that lie or cross under the proposed pavement shall be constructed prior to any street construction. Trenches shall be backfilled with approved material and compacted by approved methods to a point five feet (5') behind the curb.
- (D) Streets with an aggregate base course shall be constructed so that the aggregate base course can be exposed through one winter season prior to being surfaced. (Ord. 89-4, 6-19-89)
- (E) Sidewalks shall be constructed in conjunction with the construction of the house, and same shall be completed when the house construction is completed. For those lots that have not had construction, when seventy five percent (75%) or more of the lots in a subdivision have had construction on the lots or three (3) years after conditional acceptance of the improvements by the Village, whichever is earlier, then the owner of a lot in that subdivision shall complete the installation of a sidewalk within ninety (90) days of the date of being notified of same by the Village. In the event an owner does not comply with the construction of said sidewalk within the time period stated above, then the Village may, at its option, complete said installation and bill the owner for the cost of same. In such case the owner shall, within five (5) days of the submission of a bill, pay the Village for same. In the event payment is not made, then the Village may institute legal proceedings for the collection of said amount and may also file a complaint for violation of the terms of this Section. (Ord. 89-4, 6-19-89; amd. Ord. 97-23, 9-15-97; amd. Ord. 98-6, 7-6-98)

For all subdivisions platted on or after April 6, 1981, where there has been a conditional acceptance of the improvements by the Village more than three (3) years prior to the date of Ordinance 98-6, then the owners of the lots in said subdivision shall have ninety (90) days from the date of Ordinance 98-6 to install sidewalks. If sidewalks are not installed, the other provisions of this Section shall apply. (Ord. 98-6, 7-6-98)

- (F) All street construction shall be subject to final inspection and acceptance by the Village Engineer.
- (G) Street improvements shall be provided in accordance with the following criteria:

(See following page for Street Classifications and Design Standards Table.)

**STREET CLASSIFICATIONS AND DESIGN STANDARDS**

<u>STREET CLASSIFICATION</u>	<u>ROW WIDTH</u>	<u>PAV'T WIDTH</u>	<u>MIN. RAD.</u>	<u>MIN. GRADE</u>	<u>MAX. GRADE</u>	<u>AGG. BASE</u>	<u>BIT. SURFACE</u>	<u>CONC. PAV'T</u>
Commercial/industrial collector street	68'	38'	500'	0.5%	7%	10" <sup>1</sup>	4.5"	10" <sup>2</sup>
Residential collector street	68'	38'	500'	0.5%	7%	8" <sup>1</sup>	4"	8"
Minor commercial/ industrial street	55'	34'	100'	0.5%	7%	8" <sup>1</sup>	4"	8"
Minor residential Street	55'	34'	100'	0.5%	7%	9"	3"	7"

<sup>1</sup> Bituminous Base Course

<sup>2</sup> Reinforced Concrete Pavement

Notes:

1. Curb and gutter required on all streets.
2. Pavement width shown is face to face curb.
3. Sidewalks required on all residential streets.
4. Sidewalks on other streets dependent on conditions.

(Ord. 89-4, 6-19-89; amd. Ord. 99-54, 4-17-00)

11-5-9: **STREET LIGHTS:**

- (A) The subdivision shall be provided with a complete street lighting system acceptable to the Village Engineer.
- (B) The street lighting system shall provide for a light at each intersection or corner, and lights along streets at a maximum spacing of five hundred feet (500'). The system shall be controlled by a photocell-activated controller, and metered at one (1) location, in accordance with Ameren-CILCO specifications. (Ord. 89-4, 6-19-89; amd. Ord. 07-01, 5-7-07)
- (C) All cable shall be buried to a minimum depth of twenty four inches (24") and shall be in accordance with the local electrical code. Underground wiring shall be in flexible duct and shall be a minimum of No. 8 stranded copper or as required by the load and shall provide for a continuously grounded circuit. (Ord. 94-37, 5-1-95)
- (D) All poles, fixtures, controllers, and wiring shall be subject to approval by the Village of Morton. Metering shall be subject to approval by Ameren-CILCO. (amd. Ord. 07-01, 5-7-07)
- (E) Poles shall be precast concrete poles, butt base or aluminum davit arm poles, anchor base, with appropriate concrete foundation. Poles shall be types stocked by the Village of Morton, unless approved otherwise by the Village Engineer. (Ord. 89-4, 6-19-89; amd. Ord. 07-01, 5-7-07)
- (F) Mounting height shall, in general, be thirty feet (30') for residential streets and as is appropriate for the luminaire for commercial/industrial streets.
- (G) Luminaires for minor residential streets shall be one hundred (100) watt high pressure sodium vapor with a built-in regulator ballast and photocell. A type II or type III pattern shall be used.

- (H) Luminaires for residential collectors and commercial/industrial streets shall be a minimum of one hundred fifty (150) watt high pressure sodium vapor with a built-in regulator ballast and photocell. Luminaires on major streets shall be two hundred fifty (250) watt high pressure sodium vapor. A type II or type III pattern shall be used. (Ord. 94-37, 5-1-95)
- (I) If a developer wishes to propose an alternate street lighting system, operated and maintained by a homeowners' association, and not the Village, it shall be reviewed by the Village Engineer. The Village Engineer will make a recommendation to the Board of Trustees, who will have final authority to accept, reject, or modify the system as proposed. (Ord. 07-01, 5-7-07)

11-5-10: **MONUMENTS:**

- (A) Monuments shall be set at all accessible lot corners and at angle points and points of curvature, after the subdivision has been final graded.
- (B) Monuments shall be set by or under the direction of an Illinois Registered Land Surveyor, and shall be iron pipe, three-fourths inch by twenty four inch (3/4" x 24") or equal.
- (C) The subdivider/developer shall install Village right-of-way markers and GIS survey monuments, as required by the Village. (Ord. 89-4, 6-19-89; amd. Ord. 07-02, 5-7-07)

11-5-11: **CERTIFICATION OF IMPROVEMENTS:** Upon completion of all improvements, the subdivider's engineer shall certify, in writing, to the Village that all improvements have been constructed substantially in accordance with the approved construction plans. (Ord. 89-4, 6-19-89)



## CHAPTER 6

**FEES**

## SECTION:

- 11-6-1: Purpose
- 11-6-2: Preliminary Plat Fee
- 11-6-3: Final Plat Fee
- 11-6-4: Engineering Fees For Construction Plan Review
- 11-6-5: Engineering Fees For Inspection

11-6-1 **PURPOSE:** In order to partially defray the cost of reviewing plats, as well as to recover the expense of recording fees, certain fees shall be paid to the Village as more particularly set forth herein.

11-6-2: **PRELIMINARY PLAT FEE:** A fee of one hundred fifty dollars (\$150.00) per plat shall be paid to the Village prior to the submission of a request for preliminary plat approval. (amd. Ord. 99-54, 4-17-00; amd. Ord. 03-02, 7-7-03)

11-6-3 **FINAL PLAT FEE:** A fee of one hundred fifty dollars (\$150.00) per plat, plus fifteen dollars (\$15.00) per lot, shall be paid to the Village prior to the submission of a request for final plat approval. This fee includes the cost of recording the plat. (amd. Ord. 99-54, 4-17-00; amd. Ord. 03-02, 7-7-03)

11-6-4 **ENGINEERING FEES FOR CONSTRUCTION PLAN REVIEW:** A deposit of one thousand dollars (\$1000.00) for expected engineering fees for the review of construction plans shall be paid to the Village after the preliminary plat is approved and before construction plans are submitted. For further particulars on this deposit and additional engineering fees, see Section 11-2-6. (amd. Ord. 99-54, 4-17-00; amd. Ord. 07-19, 7-2-07)

11-6-5: **ENGINEERING FEES FOR INSPECTION:** The subdivider shall pay a minimum of three dollars (\$3.00) per centerline foot of streets and two dollars (\$2.00) per lineal foot for sewer lines outside of streets for engineering inspection fees. Said payment shall be made before or contemporaneous with final plat approval. (Ord. 90-37, 4-15-91; amd. Ord. 99-54, 4-17-00; amd. Ord. 02-36, 3-17-03; amd. Ord. 07-19, 7-2-07)





CHAPTER 7  
**PLAT OFFICER**

## SECTION:

- 11-7-1: Establishment And Appointment Of Plat Officer  
11-7-2: Salary

11-7-1:     **ESTABLISHMENT AND APPOINTMENT OF PLAT OFFICER:** The office of Plat Officer is hereby established in which is vested the duty of administration of these regulations as specified herein and such other related regulations as are assigned to that office by the Board.

The Plat Officer to be appointed by the President and Village Board with the advice and consent of the Board shall be a person who is qualified by professional or practical training and experience to conduct the affairs of that office.

11-7-2:     **SALARY:** The Plat Officer shall receive as salary the sum of three hundred dollars (\$300.00) per year. (Ord. 80-42, 4-6-81)



CHAPTER 8  
**OFFICIAL MAP**

## SECTION:

- 11-8-1: Official Map Establishment  
11-8-2: Amendments Or Additions To Official Map

11-8-1:     **OFFICIAL MAP ESTABLISHMENT:** There is hereby established for the Village and contiguous one and one-half (1 1/2) mile area an Official Map which is included herein and adopted as part of this Title.

11-8-2:     **AMENDMENTS OR ADDITIONS TO OFFICIAL MAP:** Amendments to the Official Map, including the indication of additional public sites to be shown on the Map, shall be considered amendments to this regulation and shall be made as specified in Title 11 of this Code. Any agency requesting the establishment on the Official Map of a future public site or easement which is not included in the Comprehensive Plan shall indicate to the Plan Commission the need for the site in the particular location specified. The Plan Commission, before making a favorable recommendation for the inclusion on the Official Map of such site by the Board, shall find that the public site location is consistent with the Comprehensive Plan of the community and shall so indicate in its minutes. (Ord. 80-42, 4-6-81)



CHAPTER 9  
**SPECIAL RESTRICTIONS**

SECTION:

11-9-1: Utility Easements  
 11-9-2: Building Setbacks

11-9-1: **UTILITY EASEMENTS:**

- (A) There will be a twenty-five foot utility easement adjacent to the Commonwealth Edison Company electric transmission line easement.
- (B) Within the next fifty feet the following applies:
1. Patios, porches, and decks are allowed, but they may not be enclosed or covered. No structure shall exceed the height of 48 inches above the finished floor elevation of the principal structure.
  2. Gardens, flowers, trees, bushes, and other vegetation are allowed provided none of it extends at any point measured vertically into the Commonwealth Edison easement or utility easement.
  3. Landscaping is allowed, but no structures are permitted.
  4. Non-metallic fences are allowed. The fence shall be at least one foot from the Commonwealth Edison easement.
- (C) Pools are not allowed in any easement area.
- (D) Nothing may be constructed or placed in the Commonwealth Edison easement area.
- (E) Any items that are allowable as described in this section shall be subject to all other ordinances or the Village of Morton. (Ord. 80-42, 4-6-81; amd. Ord. 14-13, 7-7-14)

11-9-2: **BUILDING SETBACKS:** On all lots, blocks, and parcels of land near or adjacent to the Commonwealth Edison Company electric transmission line easement, building setback lines are hereby established within at least seventy five feet (75') of either side of the boundary line of said electric transmission line easement. The Board of Trustees may grant a waiver to the setback requirement and may in such case impose additional conditions as they deem appropriate. (Ord. 80-42, 4-6-81; amd. Ord. 94-17, 9-19-94)



**TITLE 12**  
**MISCELLANEOUS**

Subject	Chapter
Garage Sales .....	1
Smoking In Public Buildings .....	2
Village of Morton Personnel Policy Manual .....	3
Emergency Declarations .....	4
Natural Disasters .....	5
State Officials And Employees Ethics Act .....	6
Firearm Concealed Carry Provisions .....	7





## CHAPTER 1

**GARAGE SALES**

## SECTION:

- 12-1-1: Intent And Purpose
- 12-1-2: Definitions
- 12-1-3: Limit On Number
- 12-1-4: Hours Of Operation
- 12-1-5: Display Of Sale Property
- 12-1-6: Parking
- 12-1-7: Persons Exempted From Chapter
- 12-1-8: Separate Violations
- 12-1-9: Penalty
- 12-1-10: Severability

12-1-1: **INTENT AND PURPOSE:** The Village finds and declares that:

- (A) The intrusion of nonregulated garage sales is causing annoyance to citizens in residential areas in the Village and congestion of the streets in residential areas in the Village.
- (B) The provisions contained in this Chapter are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area.
- (C) The provisions of this Chapter do not seek control of sales by individuals selling a few of their household or personal items.
- (D) The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the Village's citizens.

12-1-2: **DEFINITIONS:** For the purpose of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

**GARAGE SALE:** All general sales, open to the public, conducted from or on a residential premises in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", "flea market", or "rummage sale". This definition shall not include a situation where no more than five (5) specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

**PERSONAL PROPERTY:** Personal property which is owned, utilized, and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

- 12-1-3:     **LIMIT ON NUMBER:** Any person residing on a premises may conduct three (3) garage sales in a calendar year. However, in no event shall the total number of sales per premises exceed the sum of three (3) in a calendar year. Each sale may be conducted for a period not to exceed four (4) consecutive days.
- 12-1-4:     **HOURS OF OPERATION:** The garage sale shall be conducted during daylight hours. "Daylight hours" means between the official sunrise and sunset times of the particular day as provided by the Peoria office of the United States Weather Bureau.
- 12-1-5:     **DISPLAY OF SALE PROPERTY:** Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in a front or rear yard, but only in such areas. No personal property offered for sale at a garage sale shall be displayed in the side yard areas of any such premises or in any public right of way. However, a vehicle offered for sale may be displayed on a permanently constructed driveway within the front or side yards.
- 12-1-6:     **PARKING:** All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale as may be required.
- 12-1-7:     **PERSONS EXEMPTED FROM CHAPTER:** The provisions of this Chapter shall not apply to or affect the following:
- (A)         Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
  - (B)         Persons acting in accordance with their powers and duties as public officials.
  - (C)         Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of the Village or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer, or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
  - (D)         Any bona fide charitable, eleemosynary, educational, cultural, or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.
- 12-1-8:     **SEPARATE VIOLATIONS:** Every article sold and every day a sale is conducted in violation of this Chapter shall constitute a separate offense. (Ord. 84-11)
- 12-1-9:     **PENALTY:** Any person found guilty of violating the terms of this Chapter shall be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) for each offense. (Ord. 84-11; amd. Ord. 90-37, 4-15-91)
- 12-1-10:    **SEVERABILITY:** If any section, subsection, subdivision, 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 Board of Trustees that this Chapter would have been adopted had such unconstitutional or invalid provisions, clause, sentence, paragraph, section, or part thereof not then been included. (Ord. 84-11)

## CHAPTER 2

**SMOKING IN PUBLIC BUILDINGS**

## SECTION:

12-2-1: Adoption of Smoke Free Illinois Act

12-2-1: **ADOPTION OF SMOKE FREE ILLINOIS ACT:** The Village incorporates by reference all of the provisions of the Smoke Free Illinois Act, as contained in 410 ILCS 82/1 et seq., as now in force or as may be amended from time to time. (Ord. 98-7, 76-98; amd. Ord. 02-20, 10-21-02, amd. Ord. 07-51, 12-17-2007)



## CHAPTER 3

**VILLAGE OF MORTON PERSONNEL POLICY MANUAL**

## SECTION:

- 12-3-1: Introduction
- 12-3-2: Employment Status, Evaluations, and Terminations
- 12-3-3: Compensation and Benefits
- 12-3-4: Employment Conditions and Administrative Details
- 12-3-5: Hours of Work
- 12-3-6: Attendance / Discipline and Open Door Policy

12-3-1: **INTRODUCTION:**

- (A) Purpose: This Manual contains the personnel policies and procedures of the Village of Morton. The Manual is intended to serve as a working guide for department heads and supervisors regarding the Village's personnel program. This Manual has also been prepared so that each employee may be better informed about policies, procedures, benefits, and other issues concerning important personnel matters, which will increase understanding and eliminate sources of discord, thereby increasing cooperation, unity, and efficiency in administration of the Village's affairs and operations.

All employees are expected to be familiar with and abide by the policies in this Manual, and those employees and officials in supervisory positions should endeavor to enforce these policies when necessary in a fair and consistent manner. All Village employees will have to complete an Acknowledgement and Disclaimer Form which indicates that the employee has received a copy of this Manual and understands his or her employment status. If questions arise about anything presented in this Manual, please consult your department head or supervisor for clarification or explanation.

- (B) Effect: The Personnel Policies of the Village of Morton are adopted by the President and Village Board, which retain the authority to alter, modify, or vary any of its adopted policies, and to add to or delete particular policies whenever, in their judgment, such actions are appropriate for the administration of Village affairs, without advance notice or negotiation with anyone. Nothing within these personnel policies is intended to, or may be interpreted to create any substantive rights, privileges, or entitlements, whether contractual or otherwise, between the Village of Morton and any current or prospective employee or with any other person. Nothing within this Manual or any of the Village's personnel policies or practices shall impair the right of each employee or the Village of Morton to terminate the employment relationship at any time for any reason upon notice to the extent such relationship is not otherwise controlled by statute.

- (C) **Scope:** Although these personnel policies are intended to be comprehensive in addressing the personnel program contemplated by the President and the Village Board, it is recognized that no written document intended to have general applicability can cover every situation, particularly where the efficient conduct of different departments within the Village's operations dictate variations in hours of operation and the working practices and conditions applicable to employees within that department's operation. For that reason, Department Heads are expressly authorized to issue, and to add to, modify, delete from, or cancel, departmental directives, procedures, and standard practices, and/or general or special orders to establish personnel practices which add to or interpret, and where necessary, modify, the personnel policies within this Manual. In establishing such personnel practices, Department Heads should look to these personnel policies for guidance in an effort to maintain uniformity and consistency, except to the extent that the operations of that department are best served by variations or differentiation.
- (D) **Collectively-Bargained Agreements:** It is recognized that the President and Village Board have in the past and may in the future, enter into collectively-bargained agreements with recognized collective-bargaining representatives on behalf of particular groups of employees within the Village's operation. It is expressly acknowledged that the provisions of such collectively-bargained agreements control and shall be applied to employees covered by such agreements, not with-standing any contrary provisions within this Manual. Accordingly, any matters specifically covered by the collectively-bargained agreements shall not be modified, nullified, supplemented, or superseded by any provisions within this Manual. Where such agreements leave matters to the decision or discretion of the Village and its administration, the personnel policies and practices in this Manual shall serve as guidelines for management action.
- (E) **Application:** Except as noted above and as set out below, the personnel policies stated in this Manual are intended to be applied to all Village employees, whether exempt or non-exempt under the Fair Labor Standards Act, whether sworn and commissioned pursuant to State law or not, and irrespective of the status of employment of such employee.
- (F) **Equal Opportunity Policy:** It is the policy of the Village of Morton to provide equality of opportunity to every individual, not only in employment, but in access to Village services, public accommodations, housing, and financial credit within the corporate limits of the Village of Morton. All Village employees are to take appropriate, lawful measures to insure equality of opportunity for all of the Village's residents and individuals doing business within the community without regard to race, color, religion, sex, gender, national origin, ancestry, age, marital or familial status, sexual orientation, military status, unfavorable discharge from military service, arrest record, order of protection status, or physical or mental disability or handicap, or registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act.
- (G) **Gender:** Where utilized in this document, the terms he or she are intended to include both male and female, and shall be so applied.
- (H) **Authority:** Nothing within these personnel policies shall be interpreted to restrict or limit in any manner the authority of the Village Board and management, and direction of the Village's operations, including, without limitation, the authority to create and to eliminate operations, jobs or job functions whenever such actions are deemed appropriate for the efficient administration of Village affairs.

- (I) **New Employee Orientation:** During the first few days of employment, the new employee will receive important information regarding the performance requirements of the new employee's position, basic Village policies, compensation, and benefits programs, plus other information necessary to acquaint the employee with the employee's job and the Village of Morton. The new employee will be asked to complete all necessary paperwork at this time, such as medical benefit plan enrollment forms, beneficiary designation forms, and appropriate federal, state, and local tax forms. The new employee will also be required to present information establishing the employee's identity and eligibility to work in the United States in accordance with applicable federal law. Further, the new employee will have to complete an Acknowledgement and Disclaimer Form which indicates that the employee has received a copy of this Manual and understands his or her employment status.

The Village also encourages every new employee to ask any questions so that the employee will understand all the guidelines that affect and govern the employee's employment relationship with the Village of Morton.

- (J) **Job Descriptions:** The Village maintains job descriptions which are intended to indicate the types of tasks and the levels of responsibility and work difficulty required in positions given a particular pay classification, and shall not be construed to specify or limit the specific duties and responsibilities of any particular position. The use of a particular expression or illustration in a job description shall not be interpreted to exclude matters which are not mentioned but which are responsibilities of the position described. The job descriptions remain subject to change whenever change is deemed appropriate by the Village, and shall not limit the Village's authority to determine what duties individual employees shall perform. The Village Administrator, the Director of Public Works, or the Department Head responsible for the employee's department should be contacted in order to obtain a particular job description or set of job descriptions.

- (K) **Marriage/Spouse:** Where utilized in this Manual, the term marriage shall include any legal or legally recognized marriage in the State of Illinois, including both opposite-sex and same-sex marriages, and shall be so applied. Where utilized in this Manual, the term spouse shall include parties to either an opposite-sex or a same-sex marriage, and shall be so applied.

12-3-2: **EMPLOYMENT STATUS, EVALUATIONS, AND TERMINATIONS:**

- (A) **Definitions of Employee Status -** As used within these policies, these terms shall have the following meaning:

1. **Full-time Employee:** shall include both sworn and general employees employed in a regular, established position within the Village's operations which is normally scheduled for, and customarily expected to occupy, forty (40) or more hours each work week.

The Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Director of Public Works, Zoning Enforcement Officer and Village Administrator are expected to work a reasonable amount of time so that they can accomplish their job functions in a manner acceptable to the President and Board of Trustees. It is the policy of the President and Board of Trustees that provided these employees are performing their job in a satisfactory manner, they can, on an occasional basis, take time off without using vacation time.

2. **Part-time Employee:** shall include all Village employees employed to occupy positions within the Village's operations in which the individual is only expected or required to work a limited amount of time, either on a temporary or on a regular basis, and does not require the employee to be available to work forty (40) or more hours each week on an ongoing, indeterminate basis. This will include employees who are employed temporarily to perform work expected to continue only for a period of limited duration, and employees who are employed to occupy regular or relief positions within the Village's operations which may be scheduled for less than forty (40) hours per week on an ongoing, indeterminate basis. The fact a part-time employee may be scheduled to, or actually works forty (40) or more hours per work week to fill in for absent regular full-time employees, to fill vacant full-time positions temporarily or to accommodate the needs of the Village, shall not alter the employee's status as a part-time employee.
3. **Sworn Employees:** shall refer to those employees who are sworn and commissioned pursuant to state statute including police officers hired pursuant to the Fire and Police Commission Act, and under the jurisdiction of the Board of Fire and Police Commissioners. Employees not within the definition of sworn employees may be referred to within these policies as general personnel.
4. **Exempt Employees:** shall refer to those employees who occupy positions which are exempt from the minimum wage and/or overtime provisions of the Fair Labor Standards Act, as amended. Employees performing positions not subject to such exemptions shall be referred to as 'non-exempt employees'.

Determinations whether particular positions are exempt turn upon the provisions of the Fair Labor Standards Act (FLSA) as amended, the regulations interpreting that Act, and the duties of the position, and may involve consideration whether the position falls within the professional, executive, or administrative exemptions of the FLSA. Exempt executive, administrative, and professional employees of the Village are employed on a salaried basis, and are not subject to reductions in their salary because of variations in the quality or quantity of their work in particular work weeks, except as permitted by the FLSA. Thus, unlike non-exempt employees, exempt employees are not docked in salary because they work less than a full work day or work week, and generally are not paid additional money because they work more than their regular work day or work week in particular weeks. Questions concerning payroll practices for exempt employees should be addressed to the Village Administrator to insure the Village maintains its compliance with the FLSA and its regulations. Nothing in these policies shall be interpreted or applied in a manner which would be contrary to the exemptions, where they apply.

5. **Department Head:** shall refer to those employees assigned to positions established to administer a particular department of the Village's operations.
  6. **Supervisor/Foreman:** shall refer to those employees assigned the duty to supervise particular operations within a Village department, and delegated authority, on behalf of the Village, to exercise supervisory authority over and to direct the performance of other employees. Supervisory employees shall report to the Department Head responsible for their department.
- (B) **Initial Evaluation Period:** Every Village employee, including any former employee and any part-time employee promoted to a full-time position shall be employed subject to an initial evaluation period. During this period, the Village administration will evaluate the employee's job skills, competence, efficiency, attitude, behavior, and capacity for growth to determine whether to continue employment beyond the initial evaluation period.



For general personnel, employed full time, the initial evaluation period will be six (6) calendar months (a minimum of one-hundred eighty (180) calendar days), but may be extended whenever the Department Head determines an extension is appropriate to provide the employee additional time to demonstrate the qualification and ability to justify retention. General part-time employees' initial evaluation period shall be equivalent to the six (6) month period for full-time employees, but may take into account the part-time nature of the employee's duties by extending the period to compensate for the nature of employment.

Except in extraordinary circumstances as determined by Village Officials, an employee who has not completed the initial evaluation period shall not be eligible for a promotion or voluntary transfer until the initial evaluation period has been completed. If an employee is terminated, either by the Village or voluntarily, before completing the initial evaluation period, any right or claim for use of or payment for any unused personal days recognized pursuant to Section 12-3-3(H) will terminate as well.

During the initial evaluation period, the Department Head responsible for each new or promoted employee, or a designee, shall evaluate the employee at least monthly to assess the employee's progress and suitability for retention. Where possible, the results of these evaluations should be shared with the employee, and a plan identified to provide an opportunity to correct deficiencies to the extent they are subject to correction. Completed evaluations should be documented in writing on forms adopted for that purpose, and the documented evaluations placed in the employee's personnel records. Extensions of the initial evaluation period should also be documented and placed in the personnel record.

- (C) **Credited Continuous Service:** Following satisfactory completion of an initial evaluation period, the date of the employee's credited continuous service shall be established as the date of the current employment with the Village. Each employee shall continue to accrue credited continuous service from that date until terminated pursuant to these policies. Credited continuous service shall be distinguished from "seniority" which may be recognized within particular departments, job groups, or jobs of the Village's operations.

Where a part-time employee is promoted to a full-time position within the Village operations, the employee will receive a new credited continuous service date upon completion of the initial evaluation period. Such date may be adjusted to credit the employee for pre-existing credited continuous service from part-time employment in a similar job to be determined at the time when the part-time employee is promoted to a full-time position.

Where an employee is laid off or absent from employment for a period of more than thirty (30) days without separation of the employment relationship pursuant to these policies, the employee shall retain his credited continuous service, subject to adjustment for the period of lay-off or absence. An employee voluntarily terminating employment shall lose all accrued credited continuous service.

- (D) **Performance Evaluations:** To foster efficiency and growth within each position in the Village's operations, the Village maintains a policy to evaluate its employees on a regular basis. Employees will typically be evaluated annually to identify progress in handling the job, areas for future growth and development, and deficiencies in the employee's performance requiring correction. In the evaluation process, the Department Head or his designee should meet with the employee under evaluation to discuss the evaluations and measures which may assist the employee in improving his or her performance. Completed evaluations should be documented in writing on forms adopted for that purpose, and the documented evaluations placed in a locked file within the municipal building with access limited. The evaluation shall be completed by December 15 of each year.

Where significant deficiencies in an employee's performance are noted which require corrective actions by the employee, the deficiencies and the measures necessary to correct those deficiencies should be noted, and a date established for re-evaluation to determine the employee's progress in correcting the deficiencies identified. Continued failure to correct identified deficiencies will result in the employee's termination. Nothing in this policy, however, shall create any restriction or limitation upon the Village's authority to terminate the employment relationship at any time upon notice.

Where the employee's supervisor recommends a change in position on the salary schedule or an increase beyond that set forth in the salary schedule, the supervisor shall inform the Trustee assigned to that department at the time the evaluation is completed.

- (E) **Post-Offer Physical Examinations:** To insure each individual is capable of performing the essential functions of their position, with or without reasonable accommodation, a post-offer physical examination, performed by a physician selected by the Village at Village expense, may be required after the applicant has received a contingent offer of employment or promotion. The physical examination procedure shall, as its initial step, incorporate a drug screening test under standards and testing procedures designed to insure accuracy of the test result, which shall be utilized to determine whether the person is presently using any illegal, non-prescriptive drugs or other controlled substances, or abusing or misusing prescriptive drugs. Persons testing positive will not be considered further for employment by the Village. The person will be given notice of this condition at the time the person applies for a position with the Village, and will complete any consent forms necessary to authorize such testing as part of the application process. If an applicant has been previously employed by the Village within the year prior to the applicant submitting a new application for employment with the Village, the drug screening test may be waived at the discretion of the Department Head overseeing the applicant's prospective re-employment with the Village.

During employment by the Village, every employee may be required to have a physical examination, performed by a physician selected by the Village at Village expense, whenever the Department Head has reason to question the employee's ability to perform the essential functions of the position. In addition, physical examinations performed by a physician selected by the Village at Village expense may be required when any employee reports any injury or illness relating to work and resulting in any lost work time, and when any employee has been off work for any reason for a period of thirty (30) days or more, before the employee will be allowed to return to active duty. Further, employees off duty by reason of illness or injury shall, as a condition for continuance of their employee status, be required to comply with physician instructions and programs to restore them to proper condition, and make every effort to rehabilitate themselves in order to return to duty at the earliest practical date.

Physical examinations, whether post-offer or during employment, shall not include testing for genetic information. An individual's genetic information shall not be used by the Village during the application review process to determine an individual's qualification for Village employment and shall not be used in any manner or circumstance when evaluating or reviewing a Village employee.

- (F) **Substance Abuse Policy:** The Village is committed to a policy designed to promote safety in its operations and to insure a safe and efficient work environment free from the abuse of illegal drugs, intoxicants, and other controlled substances or alcohol. Being under the influence of drugs, intoxicants, or other controlled substances or alcohol on the job presents serious health and safety risks, not only for the employee/abuser, but for co-workers and other individuals who may be working with or in proximity to the employee. In addition to the possible criminal nature of the conduct, employee involvement in drugs and/or alcohol can also adversely affect job performance and morale, and undermine public confidence in the efficiency of the Village's administration and operations. Department Heads are responsible for executing the Village's Substance Abuse Policy.

1. Testing: The Village will utilize substance testing in the following circumstances:
  - (a) Pre-employment
  - (b) Reasonable cause
  - (c) Random testing
  - (d) Post-accident
  - (e) Return to duty
  - (f) Follow-up testing
  
2. Assistance Programs: The Village encourages employees to recognize that they have or may have a problem with the abuse of alcohol, drugs, intoxicants, or other controlled substances, marriage and family issues, stress and related disorders, depression, grief and loss, abuse recovery, divorce mediation, career counseling, child and adolescent behavior concerns, gambling and financial concerns, or other related concerns, and the Village further encourages employees to obtain professional assistance before a problem affects an employee's work performance.

Some types of counseling or professional assistance may be covered under the Village's group health care plan. An employee should review the group health insurance plan document or consult the Village Administrator in order to determine whether, and to what extent, coverage is provided by the Village's group health insurance plan for the services and which organization may be a preferred provider ("PPO") under the Village's group health insurance plan.

Employees may apply to the Village Administrator to enroll in a qualified drug or alcohol rehabilitation program, subject to the following guidelines:

- (a) The Village Administrator shall determine if the program is qualified.
- (b) The employee has completed a minimum of one (1) year of full-time employment.
- (c) The employee has not attended a rehabilitation program within the prior 10 years while under Village employment, and
- (d) The employee has not consumed alcohol or taken any prohibited drugs while on duty.

If an employee does enroll in a program, he or she shall use all of their sick time, vacation time, and compensatory time, in that order. Any additional time required by the program shall be taken in a non-pay status. The total amount of time an employee is absent from work for such program shall not exceed thirty (30) days.

Employees who desire assistance may also contact the following outside organizations or agencies for assistance as noted:

Illinois Institute for Addiction Recovery:

Phone: 691-1055, or Toll-free: 1-800-522-3784

The employee should call to schedule appointment; but walk-ins are accepted 7 days a week, 24 hours a day. (If employee arrives after hours, they need to ring bell at side door to be let in.)

Employees can also refer to other sources for gambling and financial credit counseling.

Central Illinois Debt Management and Credit Education

Phone: 676-2941, Toll-free: 1-888-671-2227

719 Main Street

Peoria, IL 61602

Voluntary requests for assistance will be treated confidentially, and will not result in the imposition of any discipline. However, violations of the Village's policy prohibiting alcohol, drugs, and other controlled substances on the job will not be excused or condoned because the employee has previously sought assistance voluntarily.

3. Prohibition: The possession, use, manufacture, sale, or distribution of alcohol, drugs, or other intoxicants or controlled substances on Village property, or while at work or on the job for the Village constitutes employee misconduct sufficient to warrant disciplinary action, the levels of which are described below.

Employees taking lawful prescriptive medications on duty or working under their influence must maintain the substance in its original container, identifying the drug, dosage, date of prescription, and prescribing physician, and provide their Department Head with a statement from the physician indicating the employee is able to work while taking such medication, and listing any precautions or safety restrictions that may be advisable for the safety of the employee, co-workers, or the public.

4. Compliance: To insure employees are complying with the prohibitions of this policy, the Village administration may inspect any Village owned or maintained property, including desks, lockers, and other equipment assigned to employees for their use as employees, and any employee property brought or kept on Village property. Further, the Village administration may require any employee to complete blood, urine, or other diagnostic or testing procedures to detect the presence of alcohol, drugs, or other intoxicants or controlled substances within the employee's system whenever the employee is involved in any on-the-job accident including a traffic accident, reports any injury or illness related to employment and resulting in lost work time, or where a basis exists to question whether the employee may have used, may be under the influence of, or may be impaired by alcohol or any drug or other intoxicant or controlled substance while on Village property or on duty or at work for the Village.
5. Commercial Driver's License: In addition to the foregoing policies on substance abuse, employees engaged in jobs requiring a commercial driver's license ("CDL") are subject to federal drug and alcohol testing procedures mandated by the U.S. Department of Transportation.
6. Disciplinary Policy Related to Drug and Alcohol Usage: All of the following violations of this policy shall subject an employee to termination:
  - Using, selling, or dispensing illegal drugs on or off duty.
  - Refusal to take any test for which the employee was referred.
  - Refusing to cooperate in the assessment of the need for a drug or alcohol rehabilitation program, or refusing to enroll in such program, or failing to successfully complete any required rehabilitation program.
  - Consumption of alcohol or illegal substance on duty.
  - (a) If an employee reports to work with a blood alcohol content of 0.02% or greater, but less than 0.04%, the following applies:
    - (1) First offense: One (1) to two (2) calendar day suspension without pay, to be determined by the employee's department head or supervisor.
    - (2) Second offense: One (1) to two (2) day suspension (to be determined by the employee's department head or supervisor) and enrollment in an approved drug and alcohol rehabilitation program.
    - (3) Third offense: Immediate removal from work and mandatory enrollment in an approved drug and alcohol rehabilitation program. Only upon successful completion of the rehabilitation program shall the employee be allowed to return to work.

The above level of offenses and the respective penalties is to serve as a guide for the Village. Depending on the severity of the situation, the Village may, at its discretion, determine the level of action to be taken.

- (b) If an employee reports to work with a blood alcohol content of 0.04% or more, then the employee will be required to enroll in an approved drug and alcohol rehabilitation program and must successfully complete it. The employee shall immediately be removed from work, and shall be allowed to return to work only upon successful completion of the rehabilitation program.
- (c) If an employee has already successfully completed an approved drug and alcohol rehabilitation program, and then subsequently violates any of the blood alcohol content rules, he or she may be subject to termination of employment depending on the length of time which has passed since the completion of the drug and alcohol rehabilitation program.

Notwithstanding the provisions of Section 12-3-2(F)-6 listed above, if a violation of the Village's drug and alcohol policy results in personal injury to another party or employee, the employee shall be subject to immediate termination.

In the event of a violation of the Village's drug and alcohol policy, the Village Administrator may require the employee to be assessed for enrollment in an approved drug and alcohol rehabilitation program, and if determined necessary, successfully complete the program in addition to any disciplinary action. The right of the Village Administrator herein shall apply notwithstanding the provisions of Section 12-3-2(F)-6.

- (G) **Residency Requirement:** The following employees shall be required to reside within the corporate limits of the Village of Morton: Director of Fire and Emergency Services, Director of Public Works; Superintendent of Streets, Superintendent of Gas Distribution Department, Superintendent of the Wastewater Treatment Department, Superintendent of the Water Distribution Department, Superintendent of the Water Treatment Department, and the Zoning Enforcement Officer.

All regular, full-time employees of the Public Works Department (excluding the Gas and Water Distribution Departments) who are regularly scheduled to be "on-call" as a part of their job shall reside within 10 miles of the main Village office, located at 120 North Main Street, but within Tazewell County. For the purpose of this policy, the 10 mile limit shall include the corporate limits of the City of Pekin and the Village of Deer Creek. While "on-call" these employees shall remain within the 10 mile radius stated.

Employees of the Gas and Water Distribution Departments shall reside within seven (7) miles of Village Hall, located at 120 North Main Street, but within Tazewell County, except for employees who are transferred in the best interest of the Village between departments at the request of the Director of Public Works. While "on-call" these employees shall remain within the 7 mile radius stated, except for those who are transferred as stated above.

Individuals subject to these provisions who do not reside within the Village, or within the mileage requirements stated above, at the time of employment shall move to the Village and establish residence as soon as practicable following employment, and shall become, and thereafter remain, Village residents during the continuance of their employment, within twelve (12) months after the commencement of employment. The Village President is authorized to extend this time period due to personal hardship at his or her sole discretion.

Residency requirements for employees covered under collective bargaining agreements shall be as provided for in those agreements.

- (H) Immigration Reform Act Compliance: In accordance with the federal Immigration Reform Act, each individual employed by the Village must be legally eligible for employment within the United States at the time of employment. Upon employment, newly hired employees shall be required to complete an I-9 form to be filed with the Human Resources Coordinator, and produce satisfactory documentation to establish their eligibility for employment within the United States under the Immigration Reform Act.
- (I) Village Employment - Equal Opportunity: Consistent with its policy of equality of opportunity, the Village is committed to a policy of equal employment opportunity for all positions within the Village's operations consistent with federal and state laws. If there are any substantive changes to any state or federal statute, regulation, or administrative rule to any state or federal law, including all regulations or administrative rules cited in this policy, those changes are deemed to be automatically incorporated into this policy as of the effective date of such change.

Decisions concerning the recruitment, selection and placement of individuals in, and the retention, transfer, and promotion of individuals within the Village's operations are to be made on a basis of ability and qualification without consideration of race, color, religion, sex, gender, marital status, national origin, ancestry, age, military status, unfavorable military discharge, sexual orientation, being a victim of domestic or sexual violence, arrest record, order of protection status, genetic information, physical or mental disability or handicap, or registered qualifying patient status under the Compassionate Use of Medical Cannabis Pilot Program Act, except where a bona fide occupational qualification exists to require the consideration of one of these factors.

1. Harassment: Consistent with its policy of equality of opportunity, it is the policy of the Village to promote a productive work environment free from harassment, intolerance, or similar conduct which disrupts or interferes with work performance or creates an intimidating, offensive, or hostile environment. Any employee whose conduct, either to a co-worker or to anyone else, fails to conform to this policy and standard of equality may expect to face discipline or termination of employment.

More specifically, all Village employees are entitled to work in an environment free from unwelcome harassment. Thus, no form of harassment will be tolerated, including harassment because of an individual's race, color, religion, sex, gender, marital status, national origin, ancestry, physical or mental disability or handicap, pregnancy, age, military status, sexual orientation, unfavorable discharge from military service, arrest record, order of protection status, or because the individual is a victim of domestic or sexual violence. Although no form of harassment will be tolerated, sexual harassment is specifically and expressly prohibited. Sexual harassment is a violation of both Illinois and federal law, and includes any verbal, written, visual, or physical acts or conduct which is offensive in nature, intimidating, unwelcome, or might reasonably be taken as objectionable. It is conduct which is harmful to both the individual's well-being, and to the efficient conduct of the Village's affairs, and will not be tolerated by the Village administration.

Specifically, the Illinois Human Rights Act defines sexual harassment as "any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of any individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment because of the persistent, severe or pervasive nature of the conduct". Sexual harassment is unlawful conduct prohibited by the Illinois Human Rights Act, as well as federal law, and will result in the imposition of appropriate discipline where, upon investigation, it is found to have occurred. Although not specifically required by state or federal law in all circumstances, appropriate discipline may include (among other forms of discipline) termination of employment, or a demotion and/or transfer of the offending employee. Where it is found to have occurred, sexual harassment offenses will be dealt with in the manner which management finds best suited to prevent any repetition.

To prevent problems of harassment from growing, any concerns must be handled at an early stage. Where an employee believes he or she has been subjected to uninvited and unwelcomed harassment, whether because of sex or any other reason, the employee should, as an initial step, indicate such conduct is unwelcome and request it cease, unless it is clear in the circumstances such requests will serve no purpose, or are likely to result in further unwelcomed conduct. Any employee who believes he or she has been improperly subjected to harassment of any nature, whether from a co-worker, a supervisor, or other Village employee, or third party, should promptly make a complaint to the employee's supervisor, and whenever practicable, providing written documentation of the allegations being made by use of the Village's harassment/discrimination complaint form (see Appendix A). Should the complaint relate to the employee's supervisor, then the employee should contact either that individual's direct supervisor, to the Department Head, or the Village Administrator. Complaints or reports of harassment will be investigated promptly. (However, the Village may not always want the supervisor, Department Head, or Administrator to perform an investigation because of the very sensitive nature of workplace harassment cases; thus the Village may have the investigation conducted by an outside source or another department within the Village having more expertise in investigation.) Employees are required to cooperate with any investigation of harassment. Retaliation against any employee for making a complaint or report or for providing information in an investigation is prohibited and will be grounds for disciplinary action. Thereafter, the appropriate official may initiate appropriate action to prevent future harassment and shall confirm that no further problems have arisen. If a determination is reached that a complaint or report or information provided in an investigation was intentionally false, the employee providing the false complaint, report, or information will be subject to disciplinary action, up to and including discharge.

In addition to the Village's internal procedures set forth above, the Illinois Human Rights Act provides formal procedures for the filing, investigation and adjudication of sexual harassment complaints. In the event the Village's internal procedures prove unsatisfactory, any employee with a complaint of sexual harassment may initiate charges under the Illinois Human Rights Act by contacting the Illinois Department of Human Rights and/or the Illinois Human Rights Commission at the offices of such agencies, located in Chicago and Springfield. The Springfield addresses are:

Illinois Department of Human Rights  
222 S. College, Room 101A  
Springfield, IL 62704  
(217) 785-5100

Illinois Human Rights Commission Room 404A, Stratton Building  
Springfield, IL 62706  
(217) 785-4350

Under the Act, a charge must be filed within 180 days of the alleged unlawful conduct, which, after department investigation, may result in adjudication before the Commission. Further details on this process may be obtained from the Department and/or Commission.

**Retaliation Prohibited:** In addition to prohibiting sexual harassment, the Illinois Human Rights Act makes it unlawful for any person to retaliate against any person because that person has opposed conduct which the person reasonably and in good faith believes to be unlawful discrimination or sexual harassment. Employees who are accused of sexual harassment shall be subject to discipline, including discharge, for any conduct or actions taken against another person because they have complained about the employee's conduct. In similar fashion, false complaints initiated in absence of a reasonable good faith believe that improper conduct has occurred will result in appropriate discipline for the employee making such false accusations.

2. **Americans with Disabilities Act:** Consistent with its policy of equal opportunity, the Village is committed to a policy of equal employment opportunity for employees with a physical or mental disability, provided an employee can perform the essential functions of their position with or without reasonable accommodation. An employee who may require accommodation in order to perform essential functions of the employee's position or who may need emergency evacuation assistance or emergency treatment should make such needs known to the employee's immediate supervisor. If an employee finds that this policy is not being adequately met, the employee should contact the employee's immediate supervisor or the Department Head if the complaint relates to the supervisor. Medical information provided under this section shall be maintained by the Village in separate confidential file, and any information provided to the Village pursuant to a request or complaint made under this section shall remain confidential to the maximum allowed extent while permitting the Village to address the request or complaint.
3. **Consent for Additional Information Release:** Applicants may, at the request of the Village, be required to execute a release authorizing the Village to obtain the applicant's military, medical, employment, credit, school, or other records that would be pertinent to employment. Said release shall be in a form satisfactory to the Village and shall release the Village from all liability with respect to obtaining such information.
4. **Hiring of Relatives:** An individual who is a relative of a supervisor within a department may not be appointed to a position in that department. This provision applies to all part-time and full-time employees, except those hired by the Board of Fire and Police Commissioners. For the purpose of this exclusion, a "relative" shall mean and include the following:
  - Spouse,
  - Child or stepchild
  - Grandchild
  - Parent
  - Grandparent
  - Brother or sister
  - Half-brother or half-sister
  - Uncle or aunt
  - Niece or nephew
  - Spouse of any stated above
  - Persons living together without the benefit of matrimony

Relatives of supervisors may be appointed to other departments.



If an employee becomes related subsequent to employment, these limitations shall apply to the continued employment of the person who became a relative subsequent to employment. An employee shall transfer to another department if a position is available; or if not, employment shall be terminated within 60 days of the time that the prohibited relationship was established.

(J) Employee Appearance and Demeanor:

1. Appearance and Demeanor: Every Village employee is, in the eyes of the public, a representative of the Village whose appearance, demeanor, and conduct can enhance, or detract from, public good will and community morale. Due to the diversity of the functions performed by employees and the conditions under which different groups work, it is impractical to establish any single uniform requirement or standard of attire for all Village employees. For particular jobs or departments, prescribed uniforms or standards of dress may be adopted to foster and improve safety, efficiency, and morale. Employees subject to uniform requirements or standards of dress are expected to comply with them while on duty. In general, every Village employee is expected and required to report for work with, and to maintain while on duty, a neat and appropriate professional appearance, and a courteous, businesslike yet helpful demeanor.

On Fridays designated by the Village Administrator, "Casual Friday" attire will be permitted for employees in particular departments where prescribed uniforms or standards of dress have not otherwise been adopted. Casual Friday attire shall include business casual shirts or blouses and presentable jeans. However, a Department Head or the Village Administrator may indicate that on such Friday, an employee or group of employees will need to attend at a meeting, appear in public on behalf of the Village, or at any other event related to Village business, and that regular business attire will be required.

While on duty, employees must control their tempers and their language. Under no circumstances shall any employee use any obscene, vulgar, or inappropriate language in addressing a resident or visitor to the Village, or other employees, or while in public performing their duties. Employees shall maintain a positive work atmosphere by acting and communicating in a positive manner that allows the employee to get along and interact in a positive manner with other Village employees, Village officials, and members of the public. While addressing a resident, visitor, or any member of the public or media when acting in the capacity as a Village employee, inappropriate language shall include talking about, or otherwise discussing in any manner, the Village, Village employees or officials, or Village policies in a negative or derogatory manner. Fighting, assault, disorderly conduct, verbal harangues, and/or horseplay by employees while on duty or on Village property is strictly prohibited, and cannot be tolerated.

2. Clothing Allowance: Where particular uniforms are prescribed which do not lend themselves to normal everyday use away from work, uniform allowances may be established to reimburse employees for reasonable expenses incurred in maintaining proper attire for their job. Employees will be notified of any allowance authorized for their position.

Where uniforms are provided by the Village, the uniforms remain Village property, and employees are to take proper care of them, and are to return them upon termination of the employment relationship in proper condition. Employees may be required to sign forms authorizing deductions from their pay for any uniforms not returned on termination.

3. Identification Badges: To identify certain personnel as Village employees, a photo-identification badge will normally be issued to new employees by their supervisor at the time they are employed. Employees are required to keep their identification badge on their person while on duty or at work in order to provide identification in situations where it will foster confidence or alleviate concern, or may otherwise be appropriate. On termination, each employee must return his or her identification badge to his or her Department Head.

- (K) Outside or Secondary Employment: Because of the nature of the Village's operations and the public trust upon which they depend, outside or secondary employment of all employees of the Village must be strictly controlled and regulated. No Village employee shall accept any other employment or engage in any for-profit enterprise or activity without the prior approval of their Department Head. This shall apply to any manner of employee activity, whether occasional, part time, temporary, or permanent, for which the employee will receive money, goods, services, or any other form of compensation. Regular, full-time employees are expected to be available to the Village to handle emergencies and other problems which may arise, even when they are not scheduled to be on duty, and cannot be allowed to accept outside commitments which might interfere with their primary employment by the Village.

Employees wishing to assume outside employment shall submit a request for authorization in writing in advance to their Department Head. In deciding whether to authorize such requests or not, Department Heads shall consider, among other items, (a) whether the position or activity may interfere with the employee's effectiveness in his/her position, and should give particular attention to the number of hours involved, the duties to be performed, and the location of work; and (b) whether the employment or activity might create a conflict or the appearance of a conflict, with the employee's Village position. Where authorization is granted, which shall be in writing, such authorization shall be revoked if the outside employment appears to have any detrimental impact upon the employee's performance of his or her duties with the Village.

Under no circumstances will Village employees be allowed to engage in any commercial endeavors while on duty or on Village property, or by utilizing any uniform prescribed for their job to foster any sales or any commercial endeavor.

- (L) Employment Separations: Just as any employee may terminate his/her employment at any time upon notice, the Village may terminate the employment of any employee at any time upon notice, except where terminations may be controlled by statute or other legal obligation. Terminations may be voluntary or involuntary, as explained below, and will result in the termination of an employee's credited continuous service and any recognized seniority, in addition to any privileges accorded by the Village's personnel policies, except where stated in the policy.

1. Voluntary Termination: includes both employee resignations from Village employment, and retirement (see definition of "retirement" in Section 12-3-3(N)-2 of this Manual). To resign from Village employment in good standing, an employee must provide written notice of resignation a reasonable period in advance of the date anticipated for an actual separation of employment.

Notice of resignation shall be submitted in writing to the employee's Department Head, and shall take effect upon receipt. Where it is in the interests of the Village, the Department Head receiving notice of resignation may waive the period of notice, and allow the resignation and separation to take effect immediately.

Any employee absent from work without notice for three (3) consecutive scheduled work days or longer will be deemed to have voluntarily terminated employment without notice, unless the absence is determined to have occurred due to extenuating circumstances which are deemed to be reasonable by the Village President. Employees who voluntarily terminate or resign from employment without proper notice as specified above shall not be eligible for any re-employment with the Village.

Where an employee has submitted notice of intended resignation, but wishes to rescind the resignation, the employee shall request to rescind the resignation by submitting a proper notice to the Department Head, but such request may only be approved if the Department Head authorizes it.

2. Retirement: Except to the extent authorized by law, the Village has no mandatory age for retirement. The term "retirement" shall have the definition as set forth in Section 12-3-3(N)-2 of this Manual.

In order to provide for a smooth transition, employees anticipating retirement, whether under the Illinois Municipal Retirement Fund or pension funds maintained for sworn personnel, should provide notice of their intentions as soon as possible and in advance of the anticipated date for retirement.

3. Involuntary Termination: Involuntary Termination of the employment relationship includes both terminations for unacceptable conduct or performance, and situations in which, without any specific fault or failure attributable to the employee, the Village decides to terminate the employment relationship. Among other instances, involuntary termination may occur where:
  - (a) Any employee is laid off for a period equal to one (1) year, or is unable to resume employment at the end of the layoff period;
  - (b) An employee off work by reason of approved leave of absence fails to return to work by the date his leave is to conclude;
  - (c) An employee laid off fails to notify the Village of his intent to return within five (5) days of notice of recall, and/or actually returns within two (2) weeks of such notice; or
  - (d) An employee is notified that his or her position with the Village is being terminated.

Except when a termination occurs for unacceptable conduct or performance, the Village administration will attempt to provide, but does not guarantee that it will provide, notice of any termination in advance of the date the employee's employment and credited continuous service will terminate. Employees terminated from employment involuntarily may be given consideration for re-employment by the Village in the event of vacancies or should new positions be created for which the individual is or may be qualified, except where the termination results from unacceptable conduct or performance.

#### 12-3-3: **COMPENSATION AND BENEFITS:**

- (A) Established Pay Levels: The Village Board shall adopt a base salary schedule. The salaries of elected municipal officers are set by ordinance and shall not be part of the base salary schedule. It is the Village's policy to examine its compensation structure annually to insure that it remains internally equitable in light of the duties required in performance of different positions and externally competitive with the compensation prevailing in similar jobs in other communities and private employment. This review will extend not only to wages and salaries, but also to fringe benefits provided to employees and the cost of those benefits.

The Village may, at its discretion, hire new employees with a starting salary above Step A, but below Step C, of the base salary schedule if it is in the opinion of the Department Head that such factors as the employment market conditions at the time of hire and the experience and/or qualifications of the employee warrant the salary level.

The Board of Trustees shall have the right to vary any employee policies and benefits for a new hire with a salary grade over Grade 18. A new hire shall be any person hired after July 1, 2011. Any such variance(s) shall be approved by the Board when the new person is hired, or at a subsequent date.

The proposed salary schedule consists of 18 pay grades and is broken down into three (3) components:

- Grades 1 – 7; Defined Merit Increment Plan has salary ranges with a minimum and a maximum with defined percentage increments in between. If an employee has a satisfactory performance evaluation, he/she systematically advances through their pay range. This performance evaluation, and resulting salary increment increase, occurs annually.
- Grades 8 – 13; Combined Defined Merit Increment/Open Range Plan is a hybrid plan where the first half of each pay range is a defined merit increment plan consisting of increments and the second half is an open range plan.
- Grades 14 – 18; Open Range Plan has salary ranges with minimums and maximums, but without defined percentage increments in between. Employees are advanced through the pay range based on satisfactory performance evaluation, with the “percentage” of their increase determined by their supervisor and the Village Administrator.

**Exemplary Performance Pay:** All pay grades shall have exemplary performance zones to allow those employees at the top of their pay range to earn an annual “one-time payment” based on performance. An employee is eligible for an exemplary performance award depending on the employee’s length of service. Employee’s with less than 10 years of service are not eligible for exemplary performance pay. An employee has to “re-earn” this incentive every year.

**Stipend Pay:** A stipend payment plan shall be implemented to accommodate those employees who have attained the advance certifications and licenses for the following classifications and salary grade levels within their Department. This shall be paid bi-monthly beginning May 1 the following year of receiving the certification. All payments shall be at the approval of the Director of Public Works.

Gas Distribution Technician, Water Distribution Technician, Gas and Water Utility Technician (Salary Range 4) – The maximum stipend shall be \$ 3,500/year.

- Gas License Class A = None
- Gas License Class B = \$ 1,500/year
- Gas License Class C = \$ 1,500/year
- Gas License Class D = None
  
- IEPA Water License Class A = None
- IEPA Water License Class B = None
- IEPA Water License Class C = \$ 500/year
- IEPA Water License Class D = None

Water Treatment Technician (Salary Range 4) – The maximum stipend shall be \$ 1,000/year.

- IEPA Water License Class A = None
- IEPA Water License Class B = \$ 500/year
- IEPA Water License Class C = \$ 500/year
- IEPA Water License Class D = None

Wastewater Treatment Technician (Salary Range 4) – The maximum stipend shall be \$ 1,000/year.

- IEPA Wastewater License Group 1 = \$ 250/year
- IEPA Wastewater License Group 2 = \$ 250/year
- IEPA Wastewater License Group 3 = \$ 250/year
- IEPA Wastewater License Group 4 = \$ 250/year

An employee of the Gas Distribution Department who becomes a certified gas pipeline welder may receive \$ 2,500/year. Said increase is at the discretion of the Director of Public Works and the Superintendent of the Gas Department.

On-Call Pay: While “on-call”, employees of the Public Works Department shall receive on-call pay as follows:

- Employees of the Street, Wastewater Treatment and the Water Treatment Departments shall receive twenty-five dollars (\$25) per day.
- Employees of the Gas Distribution and Water Distribution Departments shall receive fifty dollars (\$50) per day.

Overtime Pay: Employees shall work forty (40) hours per week, except the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Director of Public Works, Zoning Enforcing Officer and Administrator. If an employee other than supervisory personnel shall be required to work more than forty hours per week, the employee shall receive one and one-half (1 ½) times their hourly salary (base plus longevity plus incentive pay) for each hour worked in excess of forty (40) hours per week.

(B) Longevity:

Full-time employees hired before January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

<u>Required Years of Employment</u>	<u>Longevity Increase Added to Base Salary</u>
3	2% of Base Salary
6	4% of Base Salary
9	6% of Base Salary
12	7% of Base Salary
15	8% of Base Salary
18	9% of Base Salary
21	10% of Base Salary (maximum)

Full-time employees hired on or after January 1, 2008, shall receive longevity pay in the following amounts according to the following schedule:

Required Years of Employment	Longevity Increase Added to Base Salary
5	2% of Base Salary
10	4% of Base Salary
15	6% of Base Salary
17	7% of Base Salary
19	8% of Base Salary
21	9% of Base Salary
23	10% of Base Salary (maximum)

Longevity pay shall be in addition to an employee's base salary. Longevity pay and any increases thereto shall begin on the first pay period following the date that the required years of employment are completed.

(C) Discretionary Bonuses: The President and Board of Trustees may annually determine whether a cash bonus, in lieu of a pay increase, will be granted. Such determination shall be at the sole discretion of the President and Board of Trustees, and shall be made in January of each year. In the event the President and Board of Trustees determine that it is in the best interest of the Village to grant a cash bonus in lieu of a pay increase, then said bonus will be subject to the following conditions:

1. It shall be a percentage of the base pay in effect for each employee the preceding December.
2. Said bonus shall be payable on January 15 and July 15 of that year, in such proportions as the President and Board of Trustees determine.
3. The awarding of a bonus to a particular employee shall be further subject to approval by the employee's supervisor. Said supervisor may disallow the granting of part or all of said bonus.
4. In the event the employee terminates his or her employment for any reason during the year in which the bonus would have been paid, then the amount of said bonus shall be reduced by prorating it to the percentage of the year worked.
5. Only full-time employees who have completed one full year of employment prior to January 1 of year for which any discretionary bonuses might be given shall be eligible for a discretionary bonus.

(D) Sick Leave: To provide continuity of income to the employee in the event of health related issues that prevent the employee from working his or her regularly paid hours. Sick leave is granted only when an employee is incapacitated by illness or injury; when hospitalized or confined for observation following illness or injury; when absent for medical, dental, or optical examination or treatment; or when quarantined following exposure to a contagious disease. Employees who are absent more than two consecutive days for unconfirmed illness may be required by their supervisor to submit a physician's statement. A physician's statement may also be required for absences of less than two consecutive days if the supervisor requests confirmation of the employee's need to be absent.

1. Reporting process: Anticipated absences should be reported to the employee's supervisor (or designated representative) by the start of the work period if not earlier. Employees with unreported absences may be denied pay for work hours missed and be subject to disciplinary action. Employees who take Sick Leave should also notify their supervisor of their ability to work their next scheduled workday. Whenever possible, employees should schedule medical or dental appointments outside of regular work hours. If this is impractical, employees should request permission from their supervisor in advance, and prior to making their appointment, to allow the supervisor time to adjust their work schedule. If treatment allows for advanced scheduling, the employee must make reasonable efforts to provide as much notice as possible.
2. Abuse: Suspected abuse of Sick Leave may lead to disciplinary action. Also, employees who engage in any employment or inconsistent activity while claiming sick leave may be subject to disciplinary action. The Village of Morton also reserves the right to require documentation from the employee to support the use of Sick Leave. Such supporting documentation, however, will not negate the Village of Morton's right to discipline any suspected abuses of Sick Leave.
3. Sick Leave Benefits: Each full-time employee shall be eligible for paid sick leave of twelve (12) duty days per year, earned at the rate of 8.0 hours per month. No sick leave shall be earned during any month in which the employee is absent more than fifty percent (50%) of the work days scheduled, excluding any vacation or personal days used. Employees may use sick leave in increments of ½ hour.

Unused sick leave shall accumulate from calendar year to calendar year up to a maximum of one hundred twenty (120) days.

An employee may be eligible to receive service credit toward retirement under IMRF for any unused sick leave for which the employee does not receive any compensation or payment from the Village. The employee should contact IMRF to determine whether the employee may be eligible to receive service credit for unused sick leave for which the employee will not receive any compensation or payment from the Village.

The term "retirement" as used in this section shall have the definition as set forth in Section 12-3-3(N)-2 of this Manual. Upon an employee's voluntary or involuntary termination of employment with the Village, other than retirement as set forth above in this paragraph, the employee shall not receive any additional compensation for unused days of sick leave.

Employees shall be subject to any other administrative policy concerning sick leave which may be adopted by the Village Board or promulgated by Department Heads.

Although an employee receives paid sick leave benefits under this policy, the employee is nonetheless absent from work when scheduled. The receipt of paid sick leave benefits shall not excuse the absence or preclude its consideration in assessing whether the employee is maintaining an acceptable level of attendance.

- (E) Bereavement Leave: Regular, full-time employees will be allowed up to five (5) working days off with pay in a calendar year to make arrangements for and/or to attend the funeral of a relative (as defined in 12-3-2(l)-4), provided the employee gives as much advance notice as possible to his or her Department Head. The Department Head shall determine the number of days, if any, that will be allowed based on uniform standards.

(F) Holidays: The Village regularly observes the holidays listed below. Where any holiday falls on a Saturday it will normally be observed on the previous Friday. If the holiday falls on Sunday it will normally be observed the following Monday.

Regular, full-time employees shall receive the following holidays off duty with pay:

- New Year's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day and the Friday following
- Christmas Day and the day before or the day after

If an employee other than supervisory personnel work on a paid holiday, the employee shall receive twice his hourly salary (base plus longevity plus incentive pay) for each hour worked on said holiday.

For purposes of determining the hourly rate to be used in calculating the holiday pay due employees, the following formula shall be used:

$$\text{Hourly Rate} = \frac{\text{Official monthly rate} \times 12}{2080}$$

The Village President may designate an alternate day for the above-listed holidays if the Village President determines that it is in the Village's best interest for an employee to work on one of the holidays. An employee must work or be on approved leave with the Village on the previous and following regular work day for the employee to receive holiday pay. Employees scheduled to work on a holiday who fail to report for work shall not receive any pay for the holiday.

The Village understands and recognizes that other important holidays exist and that an employee may request additional leave to celebrate or observe these other holidays. Accordingly, employees are afforded vacation days (see Section 12-3-3(G) - Vacations), comp time, and personal leave days (see Section 12-3-3(H) - Personal Leave) which may be used for taking leave for these other holidays upon proper notice and scheduling with an employee's supervisor.

(G) Vacations: To provide employees with the opportunity to get away from work for periods of rest and relaxation, the Village provides its regular, full-time employees with vacation benefits.

1. Vacation Benefits Vacation time is earned based upon the following schedule:

Years of Employment	Vacation Time Earned
Less than 1 year	5 days pro-rated
1 year and less than 2 years	5 days
2 years and less than 5 years	10 days
5 years and less than 11 years	15 days
11 years and less than 12 years	16 days
12 years and less than 13 years	17 days
13 years and less than 14 years	18 days
14 years and less than 15 years	19 days
15 years or more	20 days (maximum)



The number of years of employment is determined based on a calendar year. Days earned in the first year of hire (which starts on the date the employee is hired) may be carried over to the next calendar year and shall be used in that year. No other carryover of vacation days is allowed. New employees must complete a minimum of six (6) months of service before taking any vacation time. Employees may utilize vacation time in increments of one (1) hour.

While employees may be able to take vacation any time during the calendar year that it is earned, it is understood that an employee does not actually earn the vacation time until completion of the calendar year. Employees who retire, resign, or are terminated, shall receive pay for any vacation time earned but not taken. If an employee has taken vacation time which has not yet been earned, and then terminates employment, the amount taken in excess of the amount earned shall be deducted from his or her final pay or otherwise paid back by the employee.

If an employee other than supervisory personnel has earned more than five (5) days of vacation, he may, at the discretion of the Department Superintendent and the Director of Public Works, or the Village Administrator, or the Director of Fire and Emergency Medical Services, "sell back" to the Village any vacation time up to a maximum of five (5) days. The employee will be paid for such time at the straight hourly rate. Any request to sell back days shall be made prior to December 15 each year and to the extent granted shall be paid by January 31 of the following year. Any vacation days earned which are not used or sold back are considered lost and cannot be regained or deferred for compensation in any future years.

In the event the Chief of Police, Deputy Chief of Police, Director of Fire and Emergency Medical Services, Zoning Enforcement Officer, Director of Public Works, Village Administrator, Superintendent of Gas Distribution, Superintendent of Streets, Superintendent of Wastewater Treatment, Superintendent of Water Distribution, or Superintendent of Water Treatment has not used all of his vacation prior to December 31 of any year, then such individual shall sell back to the Village of Morton any unused vacation time up to a maximum of five (5) days. The rate of pay shall be determined as follows:

The employee's annual base salary as of December 31 of that year, plus longevity, shall be divided by 2080 to determine an hourly rate. The hourly rate shall be multiplied by 8 hours to determine a daily rate, or a fraction there of for fractional days.

2. Scheduling: The Village has the authority to designate the number of employees within a Department who can be granted a vacation request at any given time. In addition, the Village may designate certain days as unavailable for vacation time. Any such dates will be posted in a designated area. Use of vacation benefits under this policy must be scheduled with the Department Head in advance, and is subject to the operational requirements of the Department. Vacation benefits may not be utilized for periods of less than one-half (1/2) day, or more than ten (10) consecutive duty days (or two (2) calendar weeks) unless authorized by the Department Head.

Employees shall submit a request on the standard form (see Appendix A) for vacation time during the period of November 1 through November 15 of the current year for consideration for time off in the following calendar year. These requests will be granted, in accordance with the operating needs of the employee's department, on the basis of seniority (established by the employee's date of hire or date of full-time employment, whichever is latest). All requests submitted during this time will be responded to on or before November 30. Where an employee has been granted vacation time during a desirable time of the calendar year, such as in relation to holidays, for consecutive years the Department Head can grant the request of a less-senior employee on an alternating year basis.

Where an employee desires to change the dates scheduled for vacation, he or she must provide at least one week's advance notice, and will not be allowed to bump any employee who has already scheduled vacation for that period.

Once a request for vacation time has been approved, it will not be cancelled except for emergencies or disasters unforeseen at the time of approval.

- (H) Personal (Emergency) Leave: To insure full-time employees do not suffer a loss of income when personal business requires their absence from work, employees are eligible for personal leave. Personal leave can be taken in increments as small as one (1) hour. The purpose of personal leave is to provide for a continuation of compensation when the employee is legitimately absent to handle personal business, or to assist with family medical needs which cannot otherwise be conducted outside of the employee's normal working hours. Prior approval is required from the employee's department head in advance of the employee's absence. This leave shall not be used to extend a vacation or holiday period and the time must be taken in 1 hour increments.

As of the first day of January of each year, each employee will be credited with personal leave days based upon the following schedule:

Years of Employment	Personal (Emergency) Leave Days
Less than 1 year	0
1 year and less than 2	1
More than 2 years	2 (maximum number)

When personal leave is not used during the calendar year, the unused days shall not accrue or accumulate to the next year. Employees shall not receive any additional compensation for unused days of personal leave, and may not use more than the respective number of days as shown in the table above in any calendar year. Upon an employee's voluntary or involuntary termination of employment with the Village, including retirement, the employee shall not receive any additional compensation for unused days of personal leave.

- (I) Jury Duty and Witness Leave: Any employee who must be off work to serve jury duty shall be paid his or her regular wages or salary during the period of jury service. To be eligible, the employee must surrender to the Village Clerk any compensation received for jury duty, except for mileage fees. Any employee off work for jury duty shall report to work when released from jury duty during any period the employee would be scheduled for work.

An employee who is subpoenaed to serve as a witness in a matter related to Village business or the employee's position as a Village employee, in which the employee is not financially interested or is not adverse to the Village, shall be paid his or her regular wages or salary during the time which the employee serves as a witness which conflicts with the employee's working hours. When an employee must attend court as a party or a witness for a personal matter or a matter unrelated to Village business or the employee's position as a Village employee, the employee will be allowed paid time off as either vacation time or personal leave. If the employee does not have any unused vacation time or personal leave, the employee may still be provided paid time off which will reduce the amount of available vacation time or personal leave when it is next accrued.

- (J) **Military Duty Leave:** Any employee who is a member of any military reserve forces and who is ordered by the appropriate authorities to attend a training program or perform other duties shall be granted a leave of absence in accordance with federal and/or state law, upon proper notification to their Department Head. Any employee who is drafted or enlists in the active service of the armed forces of the United States while employed by the Village will be granted a leave of absence in accordance with law upon proper notice of the call to duty. In order to ensure the continuation of any benefits or pay to which the employee may be entitled as required by law, any employee called to active duty should obtain a notice form from the Village's Administrator and return the completed notice form to the Village prior to the employee's departure or deployment. In addition, sworn employees should comply with the requirements of the Fire and Police Commission Act to obtain an approved leave of absence. Employees on leave of absence under this provision shall return to the Village to request a return to employment as soon as they are released from military service.
- (K) **Compensatory Time Off:** Employees, other than Department Heads and Superintendents, shall be entitled to compensatory time, with the following requirements:
1. Compensatory time is earned at a rate of 1.5 hours for every hour worked over 40 hours per week.
  2. The Department Head to whom the employee reports must approve the taking of compensatory time. The time off will be allowed unless it is unduly disruptive to the Department's operation.
  3. Employees are not required to take compensatory time off.
  4. Employees may accumulate a maximum of 24 hours of compensatory time (equivalent to 16 actual hours worked) per fiscal year (May 1 – April 30).
  5. An employee is required to use all compensatory time he or she has accrued by April 30 of the fiscal year it is earned. Any time remaining at April 30 shall be paid out to the employee.

The following provisions shall apply to the following positions: Superintendent of Gas Distribution, Superintendent of Streets, Superintendent of Wastewater Treatment, Superintendent of Water Distribution, and Superintendent of Water Treatment:

1. If the Superintendent is requested by the Director of Public Works to work a shift over 4 hours outside the normal work schedule for the Superintendent, then said Superintendent shall be entitled to be compensated for this time at his or her straight hourly rate, or at the option of the Superintendent, he or she may elect compensatory time.
2. The election shall be made within the pay period for which the shift was worked, and it cannot be changed once it is made.
3. The compensatory time earned must be used by the Superintendent within the calendar year it was earned.
4. No payment will be made if the compensatory time earned is not taken within the calendar year it was earned.

- (L) **Travel Time to Required Events:** Employees of the Village of Morton who are required to attend conferences, meetings, and training sessions outside the Village will be entitled to compensation for their travel time in excess of their regularly scheduled day, less one-half hour which is considered reasonable time for travel. If the event is held over multiple consecutive days, the employee is reimbursed for the time for trip to the location on the first day and for the time for the return trip to Morton on the last day. This will be applicable even if the employee chooses to travel back and forth to the event, rather than staying overnight. If an employee lives in a location other than Morton, they are compensated for the travel time from Morton or their home to the event venue, whichever is less (less the first ½ hour each way). If the distance traveled to or from the main Village office is less than 30 miles, there shall be no compensation for travel time.
- (M) **Creditable Service for Military Service:** Employees of the Village of Morton who are eligible for participation in the Illinois Municipal Retirement Fund may accumulate creditable service, for purposes of determining the amount of any annuity or benefit to which they or their beneficiaries are entitled, for all eligible military service as provided in Section 5/7-139(a) (5-5.1) of the Illinois Pension Code.
- (N) **Group Health Insurance:** To assist its employees and certain specified retirees, the Village sponsors and maintains a medical-hospital group health insurance plan for the benefit of its employees and specified retirees.
1. **Employee Coverage:** For regular, full-time employees, the Village pays the cost of the monthly premium to maintain employee, or employee and dependent coverage (including coverage for the employee's spouse or civil union partner), up to the maximum dollar amount for each type of coverage as established from time to time by resolution of the Village Board. Eligibility to participate in the medical-hospital group health insurance plan and to receive benefits under the plan is controlled by the group insurance policy or plan document issued by or on behalf of the Village. The Village Board retains the authority to change the structure of the group health insurance plan, preferred provider network, third party administrator, group insurer, or the provisions of its group health insurance plan when it finds that action appropriate. In the event of proposed insurance premium increases which would raise the cost of coverage to employees, the Village will consider options to obtain maximum coverage within the monthly premium costs assumed by the Village, in order to reduce the premium requirements being assumed by employees.
  2. **Retired Employees:** Full-time employees retiring from Village service under an approved pension plan may be allowed to continue coverage under the Village's group health insurance plan, subject to the terms of the group health insurance plan. A "retiring employee" or "retired employee" refers to an employee who qualifies for retirement as defined herein. "Retirement" means that an employee has (1) met both the age requirement and the years of service requirement to begin receiving retirement benefits from the Illinois Municipal Retirement Fund or other IRS qualified retirement plan applicable to the particular employee's position with the Village as of the employee's retirement date, and (2) applied for, or is receiving, retirement benefits from the applicable retirement plan. This definition of "retirement" specifically excludes an employee who is a "deferred pensioner" as defined under State law.

The cost of group health insurance to the retiree shall be based upon the Village's cost under the Consolidated Omnibus Budget Reconciliation Act (COBRA).

When at such time the retiree or the retiree's dependent becomes eligible for Medicare, they will be terminated from coverage with the Village.

3. **Leave of Absence/Off Work:** Where the employee is off work by reason of injury or illness and the absence is covered by available benefit time, the Village will continue to pay the Village's portion of the premium as stated above in Section 12-3-3(N)-1 to maintain health insurance coverage for up to one (1) year or the employee's credited continuous service, whichever is less. Where the employee is off work by reason of an approved leave under the Family and Medical Leave Act (as provided in Section 12-3-4(A) of this Manual), the Victim's Economic Security and Safety Act (as provided in Section 12-3-4(C)), or the Family Military Leave Act (as provided in Section 12-3-4(B)), the Village will continue to pay the Village's portion of the premium as stated above in Section 12-3-3(N)-1. An employee absent or off work for any other reason for a period longer than thirty (30) days and who is entitled to maintain coverage under the Village's health insurance plan shall be required to assume the full cost of any premium necessary to maintain employee, or employee and dependent coverage, under the Village's health insurance plan after that thirty (30) day period.
4. **Notice of Termination of Coverage:** When coverage for an employee or other covered person under the Village's group health insurance is being terminated for any reason, the Village shall provide notice of this termination to the employee or covered person (and any dependents if applicable) along with notice of any available continuation rights.
5. **Payment of Premiums:** When employees, retirees, or any other individuals covered by the Village's health insurance plan are spouses or civil union partners, both spouses or civil union partners must enroll or maintain enrollment under the Village' health insurance plan and both shall pay the full premium for individual coverage under the Village's health insurance plan based upon each particular individual's circumstances in order to receive coverage under the Village's health insurance plan. Thus, in the event both spouses or civil union partners are eligible for coverage under the Village's health insurance plan, one spouse or civil union partner cannot be covered as a dependent under family coverage for the Village's health insurance plan – both spouses or civil union partners must be enrolled for individual coverage under the Village's health insurance plan and must pay the appropriate premium to maintain coverage under the Village's health insurance plan. Further, in the event both spouses, or civil union partners, are covered by the Village's health insurance plan, only one spouse or civil union partner can enroll for family coverage under the Village's health insurance plan for coverage for their dependents.

Retired employees, employees on an approved leave of absence, and any other person covered by the Village's health insurance plan who are required to make monthly premium payments to the Village must make a full monthly premium payment on or before the 10th day of the month for which the premium payment is being made. For example, in order to maintain coverage under the Village's health insurance plan for the month of January, the full premium payment must be received by the Village on or before January 10th. If the 10th day falls on a weekend or holiday observed by the Village, the premium payment for that month will be due on the first regular business day after the weekend or holiday. If a premium payment is paid late (after the appropriate payment date set forth herein), a \$20 late fee will be assessed to the premium payment and must be paid with that premium payment. Furthermore, if a full premium payment (including late fees) is over 45 days late or if two successive full monthly payments (including late fees) are late, coverage under the Village's group health insurance plan will be terminated at the end of that particular month when such event occurs. The Village shall send notice by regular mail of such termination of coverage to the covered person at the person's last address provided to the Village prior to the termination date. This Section 12-3-3(N)-5 shall also apply to COBRA payments made under the continuation provisions of the Village's health insurance plan. As a means to simplify this payment process, retirees should contact their respective pension plan sponsor regarding payment of these premiums to the Village directly from their pension checks, which may be made on a tax-deferred basis.

6. Coverage for Spouses or Civil Union Partners of Deceased Employees or Retirees: Except as otherwise provided by the policy or plan document for the Village's group health insurance plan, including any eligibility provisions of the policy or plan document for the health insurance plan, the spouse or civil union partner (and any "covered dependents") of a deceased retired employee may continue to receive coverage under the Village's health insurance plan upon the death of the retired employee under the same terms as the retired employee would have received coverage under the Village's health insurance plan for the period of COBRA eligibility. The spouse or civil union partner of a deceased retired employee or deceased employee shall make the necessary premium payments for continued coverage under the Village's health insurance plan as required under the provisions of Section 12-3-3(N)-5.
7. HIPAA Privacy Notice: Pursuant to the federal Health Insurance Portability and Accountability Act and the related regulations, the Village, as the sponsor of a group health insurance plan, shall provide notice to each employee and retiree covered by the group health insurance plan regarding the privacy of their protected health information. The HIPAA privacy notice related to the Village's group health insurance plan is set forth in the policy or plan document for the Village's group health insurance plan and may also be provided in part by additional documentation issued in relation to the Village's group health insurance plan. Every employee and retiree covered by the Village's group health insurance plan should carefully review these notices in order to fully understand their privacy rights regarding the handling and storing of this type of information. Also, an additional copy of the HIPAA privacy notice or notices can be obtained from the Village Administrator who is located at the main Village office.

- (O) Deferred Compensation Plan: To enhance benefits available to Village employees upon their retirement from Village services, the Village may offer a deferred compensation plan qualified under §457 of the Internal Revenue Code for employee participation. The deferred compensation plan would be established for the exclusive benefit of the employee or the employee's beneficiaries and not subject to any claims by the Village. Participation in the deferred compensation plan is voluntary and at the employee's option. The deferred compensation plan allows an employee to defer future salary income and invest the deferred funds in a variety of investment types through the managing firm.

A deferred compensation plan, if established, would be governed by an ordinance of the Village Board. The Village Board would retain the authority to amend the deferred compensation plan, change the list of accepted life insurance or annuity companies, or terminate the deferred compensation plan when it finds such action appropriate. However, such action by the Village Board would not jeopardize an employee's right to receive funds invested by the employee in an annuity contract.

- (P) Illinois Municipal Retirement Fund

1. Retirement Benefits: The Village shall provide each Village employee, who qualifies for participation, the opportunity to participate in the retirement program established by the Illinois Municipal Retirement Fund (IMRF), unless the employee is covered by another retirement program created by the State of Illinois for specific job classifications. Payments made into IMRF are made by both the employee and the Village. The employee and the Village will be responsible for making payments into IMRF as set forth by the statutory provisions of IMRF (40 ILCS 5/7-101, et seq.).
2. Unused Sick Leave / Service Credit: An employee may be eligible to receive service credit toward retirement under IMRF for any unused sick leave for which the employee does not receive any compensation or payment from the Village. The employee should contact the employee's IMRF representative to determine whether the employee may be eligible to receive service credit from IMRF for unused sick leave.

3. **Maternity Disability Benefits:** An employee may be eligible to receive disability benefits from IMRF for a period of physical disability related to pregnancy or childbirth for a maximum period of six or eight weeks depending on the circumstances. The employee should contact the employee's IMRF representative to determine if she may be eligible for this benefit.
4. **Eligibility for Disability Benefits:** An employee is not eligible to receive disability benefits from IMRF until the employee has exhausted all available paid leave with the Village, including vacation leave, sick leave, and personal leave.
5. **Voluntary Additional Contributions:** An employee who participates in IMRF is entitled to voluntarily contribute additional funds to their account. The employee can contribute up to 10% of their annual salary. This amount is credited to the employee's individual account, and upon retirement the employee may choose to take a lump sum payment of that amount or increase their monthly pension benefit. The contributions are made on an after-tax basis. The amount contributed earns an annual interest payment, based upon the balance on January 1 of the previous year, and the interest is paid on December 31 of that year.

(Q) **Supplemental Insurance:** The Village may provide a program of supplemental insurance packages provided by a designated insurer. The participation in a supplemental program is voluntary, with the employee choosing the benefits, if any. The cost of the insurance will be entirely paid by the employee, and the Village will not pay any of the cost. The employee may be able to pay for some of these supplemental insurance programs by payroll deduction with pre-tax income pursuant to the Village's §125 Cafeteria Plan (see Section 12-3-3(R)).

The program offers supplemental insurance coverage which would provide benefits for accident expenses, cancer expenses, hospital confinement, and intensive care confinement, sickness expenses, short-term disability, dental expenses, and long-term care. The program also provides additional cash benefits to help offset medical expenses, lost earning power, and out-of-pocket expenses. Benefits are paid directly to the employee, unless the employee directs otherwise. Also, benefits are portable; thus if an employee leaves employment with the Village for any reason, the employee may continue benefits at prior rates by dealing directly with the insurer. For further information, an employee should contact the Village Administrator.

(R) **§125 Cafeteria Plan:** The Village may establish a cafeteria plan pursuant to §125 of the Internal Revenue Code. The cafeteria plan is a way in which take-home pay may be increased for the participating employee by reducing the amount of tax paid to the federal and state governments. An employee can choose to have employer-sponsored medical insurance premiums, eligible medical expenses (those not reimbursed under a medical plan which would include the Village's Group Health Insurance plan), dependent care expenses, and supplemental insurance premiums (see Section 12-3-3(Q)) deducted from the employee's paycheck before taxes are deducted from the employee's gross pay amount. This reduces the employee's actual taxable income by the amount of the total deduction. An employee's gross pay remains the same, but the amount withheld for taxes is reduced by the amount the employee elects to contribute (within established limits) to the cafeteria plan flexible spending account. The funds contributed to the cafeteria plan flexible spending account are then used by the employee to pay the employee's employer-sponsored medical insurance premiums, eligible medical expenses, dependent care expenses, and supplemental insurance premiums. For further information, an employee should contact the Village's Administrator.

(S) Education Assistance Policy: Regular, full-time employees who wish to pursue educational courses may receive financial assistance from the Village. The Village will reimburse the following:

1. 100% of the cost of tuition and required textbooks for a maximum of two courses per school term (i.e. semester, trimester, quarter), with the following limits –
  - (a) Tuition for freshman and sophomore (100 or 200 level) courses will be reimbursed at the semester hour rate which is in effect at Illinois Central College.
  - (b) Tuition for junior and senior (300 or 400 level) courses will be reimbursed at the semester hourly rate which is in effect at Illinois State University.
2. Laboratory fees and other fees and charges are not reimbursable.

Employees seeking reimbursement under the policy shall be required to apply for financial assistance, with any reimbursement by the Village based on the net tuition cost after financial assistance.

In order to be eligible for reimbursement the courses must be:

1. Offered by an accredited college or university;
2. Directly related to the employee's current position or other positions to which the employee might reasonably be promoted to transferred; and
3. For the purpose of:
  - (a) Directly improving the knowledge, skills, abilities, or job performance of the employee;
  - (b) Preparing the employee for technological or other changes occurring in the employee's career field; or
  - (c) Preparing the employee for a change in duties, functions, or responsibilities, or for the assumption of new and different duties, functions, or responsibilities.
4. Successfully completed with a grade report reflecting a grade of "C" or better, validated by receipts for the tuition and textbooks.
5. Claims must be submitted within 60 calendar days of course completion.

Master's level courses and degree programs may be reimbursed with the approval of the Board of Trustees. No doctoral or post-doctoral course or degree program will be approved as no position within the Village requires such a degree.

Employees who desire to receive reimbursement for education under this policy shall request approval from their Department Head or supervisor prior to enrollment. Employees shall take the courses on their own time. If a course is only offered during the employee's normal working hours, the Department Head may allow time during working hours for class attendance. This allowance is at the sole discretion of the Department Head and under no circumstances shall an employee be paid for time spent attending classes. Upon successful completion of an approved course or courses, the employee shall submit to the Department Head a grade report reflecting a grade of "C" or better and receipts for tuition and textbooks in order to receive reimbursement. All claims for reimbursement must be submitted within sixty (60) calendar days of course completion. Reimbursement shall be for a maximum of two (2) courses per school term (i.e., semester, trimester, quarter).



An agreement must be signed by the employee stating their intention to remain employed by the Village for two (2) years following the date of such reimbursement. In the event an employee ceases employment with the Village before the two year period has lapsed, the employee will reimburse the Village 100% of the amount previously paid by the Village, and the agreement signed by the employee must state this understanding by the employee. This reimbursement will be made from the final paycheck of the employee. Employees who wish to receive financial assistance from the Village pursuant to this policy shall authorize the Village, in writing, to withhold from his/her final paycheck any or all amounts required to reimburse the Village as provided above.

The benefit does not include expenses for attending seminars, workshops, or short courses or for education courses required by an employee's Department Head or supervisor, which are covered under each department's training and travel budget.

By issuing this policy, the Village is not creating any employment contract right in favor of its employees, and its employees are, and continue to be, at-will employees.

- (T) Civic and Professional Association Dues: The Village recognizes that the membership to civic and professional organizations which relate to the position responsibilities of its leadership staff is beneficial to the employee and the Village. Therefore, the following positions may submit, for approval by the Village President, a request for payment of the organization's dues. This payment will be available for the following positions: Village Administrator, Director of Public Works, Chief of Police, Director of Fire and Emergency Services and Village Clerk.

12-3-4: **EMPLOYMENT CONDITIONS AND ADMINISTRATIVE DETAILS:**

- (A) Leaves of Absence (Family and Medical Leave Act): To provide employees with some flexibility to deal with family crisis situations, the Village allows for family and medical leave. In addition to providing family or medical leave pursuant to the Family and Medical Leave Act ("FMLA"), a leave of absence may be extended for up to a twelve (12) month period for an employee who incurs an extended injury or illness. Furthermore, in specific circumstances, an employee may be eligible to take a leave of absence pursuant to the Victims' Economic Security and Safety Act ("VESSA"), see Section 12-3-4(C); or the Illinois Family Military Leave Act ("Military FMLA"), see Section 12-3-4(B). However, as explained in Section 12-3-4(C), a leave of absence taken under VESSA may run concurrent with an employee's right to take leave pursuant to FMLA, and may thereby exhaust the amount of leave available under FMLA. Nonetheless, regular full and part-time employees are hired with the expectation that they will be available to perform their scheduled duties on a regular basis, and will utilize their vacation and authorized leave to cover periods they must be away from work for personal reasons. Leaves of absence for personal reasons, except as permitted pursuant to FMLA as set forth below and pursuant to VESSA as set forth in Section 12-3-4(C), or Military FMLA as set forth in 12-3-4(B), will not be permitted or authorized, except where the employee is unable to perform as a result of injury or illness for an extended period.

1. General Provisions: A family or medical leave of absence shall be defined as an "approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per twelve (12) month period under particular circumstances as enumerated [herein]." The period of leave is extended to twenty-six (26) weeks per twelve (12) month period to care for a covered service member as provided in (6) listed below. For establishing the twelve (12) month period in which family or medical leave may be taken, the Village uses a "rolling" twelve (12) month period measured backward from the date when an employee uses any family or medical leave. Leave may be taken:

- (a) Upon the birth of the employee's child and to care for the newborn child;
- (b) Upon the placement of a child with the employee for adoption or foster care;

- (c) When the employee is needed to care for a child, spouse, or parent (but not parent-in-law) who has a serious health condition; or
- (d) When the employee is unable to perform the functions of his or her position because of a serious health condition or because of incapacity due to pregnancy, prenatal medical care, or child birth.

"Serious health condition" shall be defined as (i) an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility, or (ii) continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by any period of incapacity of more than three (3) calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment by a health care provider. The continuing treatment requirement may also be met by incapacity due to pregnancy or incapacity due to a chronic condition. Furthermore, other conditions may meet the definition of continuing treatment.

- (e) When a qualifying exigency arises from the fact that an employee's spouse, son, daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Qualifying exigency includes dealing with issues related to a short-notice deployment, attendance at official military ceremonies, arranging for childcare and schooling, arranging financial and legal affairs, counseling related to the call to active duty, spending time with service member while on short-term R&R, and attendance at post-deployment activities.
  - (f) When the employee is needed for the care of a covered service member with a serious injury or illness who is the employee's spouse, son, daughter, parent, or next of kin.
2. Scope: The provisions of this policy shall apply to all family and medical leaves of absence except to the extent that the employee is entitled to paid leave for any part of the twelve (12) weeks of leave (or 26 weeks of leave when applicable) to which an employee may be entitled under this policy. If an employee is entitled to paid leave under another section of this manual, the employee must take that paid leave first. If the paid leave available to the employee is for a period of less than twelve (12) weeks (or 26 weeks of leave when applicable), the employee shall be entitled to the additional days required to achieve a total of twelve (12) weeks of leave (or 26 weeks of leave when applicable), but such additional days shall be provided without compensation.
  3. Eligible Employees: An eligible employee is an employee who has been employed by the Village for a total of at least twelve (12) months and for at least 1,250 hours of service during the immediately preceding twelve month period. Spouses or civil partners who are both employed by the Village are entitled to a combined total of twelve (12) weeks of leave for the birth or adoption of a child or for the care of a sick parent.
  4. Employee's Notification and Reporting Requirements: When the leave requested is foreseeable, such as the expected birth or placement of a child for adoption, planned medical treatment, or order or call to military duty, the employee shall provide reasonable notice to the Village of the employee's intention to take leave by use of the FMLA Leave Application form. The employee shall make a reasonable effort to schedule medical treatment so as not to unduly disrupt the Village business. In case of illness, the employee shall report periodically on his or her leave status and intention to return to work.

## 5. Status of Employee Benefits During Leave of Absence

- (a) The Village will continue to pay its established portion of the premiums required to maintain health insurance coverage during any authorized family or medical leave for the employee and, if applicable, the employee's dependents.
- (b) Employees on authorized family or medical leave of absence shall not continue to accrue or be eligible for any benefits other than health insurance coverage during the continuance of the family or medical leave of absence. When the employee returns to work after an authorized family or medical leave, the employee shall be restored to the same position or an equivalent position with equivalent benefits, pay and conditions of employment as when the employee commenced the authorized leave. The Village may deny such restoration if the employee is a salaried eligible employee who is among the highest paid 10% of Village employees.
- (c) The Village may recover the premium paid for maintaining coverage for the employee and the employee's dependents under its group health insurance program during any period of unpaid leave if the employee fails to return from the authorized leave after the period of leave to which the employee was entitled has expired, unless the failure to return to work was for reasons beyond the employee's control.

## 6. Procedures

- (a) The employee must complete a FMLA Leave Application form as provided by the Village. This form must be completed in detail, signed by the employee, and submitted to the employee's immediate supervisor for proper approvals. The Village may require medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. If possible, the employee should submit the form thirty (30) days in advance of the effective date of the leave. The Village may also require certification of a family member's order or call to active duty or regarding the serious injury or illness of family member who is a service member. The Village will provide a response to the employee's FMLA request by use of the FMLA Leave Response form.
- (b) If medically necessary for a serious health condition of the employee or of the employee's spouse, child, or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Village may require the employee to transfer temporarily to an available alternative position offered by the employer which (i) has equivalent pay and benefits and (ii) better accommodates recurring periods of leave or a part time schedule.

## 7. Certification

- (a) All requests for family and medical leaves of absence due to illness must include sufficient medical certifications stating that:
  - (1) The date on which the serious health condition began;
  - (2) The probable duration of the condition; and
  - (3) The appropriate medical facts within the knowledge of the health care provider regarding the condition.

- (b) If the family and medical leave is requested for one of the following reasons, the employee must provide additional information:
    - (1) If the leave is to care for a child, spouse, or parents, the certificate should state that the employee is needed to provide such care and estimate the amount of time the employee is needed to provide such care.
    - (2) If the leave is requested because of a serious health condition of the employee, the certificate must state that the employee is unable to perform the functions of the position of the employee.
    - (3) If the request is one for intermittent leave or a leave on a reduced level scheduled for planned medical treatment, the certificate must also state the dates on which such treatment is expected to be given and the duration of the treatment.
  - (c) In its discretion, the Village may require a second medical opinion and periodic recertification at its own expense. If the first and second opinions differ, the Village, at its own expense, may require the opinion of a third health care provider, approved jointly by the Village and the employee. This third opinion shall be considered final and binding on the Village and the employee.
8. Extension of Medical Leave for Employee Injury or Illness
- (a) Whenever any employee anticipates, or is actually absent from work for a period of more than twelve (12) weeks because of any injury or illness to the employee, the employee shall be required to submit a written report seeking an extension of the above-described family or medical leave of absence from his Department Head. The report seeking a leave of absence shall be submitted as soon as the employee has reason to believe his or her absence may extend beyond twelve (12) weeks, and must be accompanied by a written report by a physician explaining the reason(s) for the absence, a prognosis for the employee's recovery, and an anticipated date when the employee may be expected to return to duty. The Department Head may grant the employee a leave of absence for the period required for the employee's recuperation, up to six (6) months. Any employee off on medical leave of absence who requires the leave period be extended beyond the period established shall submit a written extension request, which shall be accompanied by medical documentation explaining the need for the additional extended leave period, and fixing the date anticipated for the employee's return to duty. Extension requests may be authorized by the Department Head; provided, however, that no leave of absence may extend or be extended beyond twelve (12) months from the date of the employee's initial absence.
  - (b) Any employee who fails to return to duty upon the expiration of any extended medical leave of absence granted pursuant to this policy shall be deemed to have terminated the employment relationship and will be removed from the roster of current Village employees. Employees off work on an authorized leave of absence, including a family or medical leave of absence, shall not engage in any other employment or for-profit activity, or any other activity inconsistent with their efforts to recuperate from illness or injury, and shall comply with any and all medical recommendations or prescribed courses of treatment or rehabilitation to hasten their recovery to the maximum extent possible. An employee's failure to comply with this prohibition may result in an employee being disciplined or terminated by the Village. Further, any employee who is off work due to any illness or injury of any nature for a period exceeding twelve (12) months shall be terminated, without prejudice to the right to reapply for employment once the individual has recovered from such illness or injury and is capable of resuming his or her duties.

(c) The Village will continue to pay its established portion of the premiums required to maintain employee, or employee and dependent, health insurance coverage during any authorized medical leave of absence for illness or injury for up to twelve (12) months, or the employee's credited continuous service, whichever is less. Employees off on authorized medical leave of absence shall not continue to accrue, nor be eligible for any benefits other than health insurance coverage during the continuance of the medical leave of absence, except for benefits provided under these policies for which the employee was eligible immediately prior to the commencement of such leave of absence. Before any employee off work on a leave of absence is allowed to return to duty, the employee shall furnish a medical release, authorizing the employee's return to the employee's job. Upon release for full duty, the Village will attempt to restore the employee to his or her former position or a similar position, subject to the Village's needs and current operating requirements, and the availability of an open position for which the employee is qualified.

9. Maternity Leave: An employee's rights to maternity leave are governed by FMLA and this Section 12-3-4(A) as a family or medical leave of absence. If an employee is requesting leave to care for a newborn child or adopted child, such childcare leave must be taken within the first twelve (12) months after the birth or adoption of the child.

(B) Leave Under Family Military Leave Act: As a means to assist families of military personnel, the Illinois Family Military Leave Act ("Military FMLA") provides employees who have family members in the military with some additional flexibility to deal with matters related to their family member being in the military. In addition to the leave provisions provided by Military FMLA, an employee may be eligible for leave as provided under Section 12-3-4(A).

1. General Provisions: An eligible employee, who has a spouse, civil union partner, son, daughter, parent, or grandchild called to military service lasting longer than 30 days with the State of Illinois or the United States pursuant to the orders of the Governor or the President of the United States, shall be granted leave consistent with the provisions of this Section 12-3-4(B). Within the guidelines set forth in this Section 12-3-4(B), an eligible employee may take up to 30 days of unpaid leave as Military FMLA leave during the time when State or Federal deployment are in effect for the employee's spouse, civil union partner, son, daughter, parent, or grandchild.
2. Scope: All Military FMLA leave is an unpaid leave of absence. An employee must exhaust all accrued vacation and personal leave and any compensatory leave before the employee shall be entitled to Military FMLA leave under this Section 12-3-4(B).
3. Eligible Employees: An employee eligible to take Military FMLA leave is any Village employee who has been employed by the Village for a total of at least twelve (12) months and for at least 1,250 hours of service during the twelve-month period immediately preceding the beginning of the Military FMLA leave.
4. Employee's Notification and Reporting Requirements: An employee intending to take five (5) or more consecutive days of Military FMLA leave shall provide notice to the Village at least 14 days in advance of the effective date of the leave, unless providing such notice is not practicable. If the employee is taking less than five (5) consecutive days of Military FMLA leave, the employee shall provide notice to the Village at least 48 hours in advance of the effective date of leave whenever possible. If providing advance notice is not practicable, the employee shall provide notice within a reasonable period after the absence for which Military FMLA leave is being requested, which shall typically be within 24 hours after the absence is taken. While due to unforeseen circumstances the initial notice may be made by phone call to the employee's supervisor or the Village's Human Resources Coordinator, the employee shall provide written notice to the Village of the employee's intention to take Military FMLA leave by use of the Military FMLA Leave Application form.

5. Status of Employee Benefits During Leave of Absence:
    - (a) The Village will continue to pay its established portion of the premiums required to maintain health insurance coverage during any authorized Military FMLA leave period for the employee and, if applicable, the employee's dependents.
    - (b) Employees on authorized Military FMLA leave shall not continue to accrue or be eligible for any benefits other than health insurance coverage during the continuance of the Military FMLA leave of absence. However, employees on authorized Military FMLA leave shall not lose any benefits accrued prior the commencement of authorized Military FMLA leave. When the employee returns to work after authorized Military FMLA leave, the employee shall be restored to the same position or an equivalent position with equivalent benefits, pay, and conditions of employment as when the employee commenced the authorized leave.
    - (c) The Village may recover the premium paid for maintaining coverage for the employee and the employee's dependents under its group health insurance program during any period of Military FMLA leave if the employee fails to return from the authorized leave after the period of leave to which the employee was entitled has expired.
  6. Procedures: The employee shall complete a Military FMLA Leave Application form as provided by the Village. This form must be completed, signed by the employee, and submitted to the employee's immediate supervisor for proper approvals. The Village may require certification as set forth below to support a claim for Military FMLA leave. If the employee is seeking five (5) or more consecutive days of Military FMLA leave, the employee should submit the form at least 14 days in advance of the effective date of the leave. If the employee is taking less than five (5) consecutive days of Military FMLA leave, the employee should submit the form at least 48 hours in advance of the effective date of leave whenever possible. The Village will provide a response to the employee's Military FMLA leave request by use of the Military FMLA Leave Response form.
  7. Certification: All requests for Military FMLA leaves of absence shall include a certification from the employee stating that the employee's spouse, civil union partner, son, daughter, parent, or grandchild is a person called to military service lasting longer than 30 days with the State of Illinois or the United States pursuant to the orders of the Governor or the President of the United States. This certification shall include a sworn statement from the employee and other supporting documentation from the proper military authority verifying the employee's request for Military FMLA leave.
  8. Interaction with Other Unpaid Leave Provisions: When both Military FMLA and another unpaid leave provision of this Manual or any other Village policy apply to an employee's circumstances, the employee's right to take unpaid leave established under Military FMLA shall run concurrent with such other unpaid leave provision of this Manual or any other Village policy.
- (C) Leave Under Victims' Economic Security and Safety Act: As a means to assist victims of domestic or sexual violence, the Victims' Economic Security and Safety Act ("VESSA") provides employees with some flexibility to deal with crisis situations related to domestic or sexual violence. In addition to the leave provisions provided by VESSA, an employee may be eligible for leave as provided under Section 12-3-4(A). However, as described below, when both VESSA and FMLA ("Family and Medical Leave Act"; see Section 12-3-4(A)) apply, any leave granted by the Village pursuant to VESSA may run concurrently with, and not in addition to, an employee's right to take leave pursuant to FMLA.

1. General Provisions: An eligible employee who is a victim of domestic or sexual violence, or an eligible employee who has a family or household member who is a victim of domestic or sexual violence whose interests are not adverse to the employee in relation to the domestic or sexual violence, shall be granted leave to address personal matters or issues related to domestic or sexual violence. The eligible employee may take up to twelve (12) weeks of unpaid leave per twelve (12) month period to address personal matters or issues related to domestic or sexual violence as described herein. For establishing the twelve (12) month period in which VESSA leave may be taken, the Village will use a "rolling" twelve (12) month period measured backward from the date when an employee uses any VESSA leave. An eligible employee may take VESSA leave to:
  - (a) Seek medical attention for, or recover from, physical or psychological injuries caused by domestic or sexual violence to the employee or the employee's family or household member;
  - (b) Obtain services from a victim services organization for the employee or the employee's family or household member;
  - (c) Obtain psychological or other counseling for the employee or the employee's family or household member
  - (d) Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or the employee's family or household member from future domestic or sexual violence or ensure economic security; or
  - (e) Seek legal assistance or remedies to ensure the health and safety of the employee or the employee's family or household member, including preparing for or participating in any civil or criminal legal proceeding related to or derived from domestic or sexual violence.

Solely within the context of VESSA leave as governed by this Section 12-3-4(C), the following terms shall have the following specific meanings. The term "family or household member" shall mean a spouse, civil union partner, parent, son, and daughter, and persons jointly residing in the same household whose interests are not adverse to the employee as it relates to the domestic or sexual violence. The term "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter. "Son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age, or is 18 years of age or older and incapable of self-care because of a mental or physical disability.

2. Scope: The provisions of this policy shall apply to all VESSA leaves of absence except to the extent that the employee elects to use paid leave for any part of the twelve (12) weeks of VESSA leave to which an employee may be entitled under this policy. If an employee is entitled to paid leave under another section of this manual, including vacation, sick, or personal leave, the employee may substitute that paid leave for VESSA leave. If the paid leave taken by the employee or available to the employee is for a period of less than twelve (12) weeks, the employee shall be entitled to the additional days required to achieve a total of twelve (12) weeks of leave, but such additional days shall be provided without compensation.
3. Eligible Employees: An employee eligible to take VESSA leave is any Village employee who is employed by the Village on a full-time or part-time basis, or an individual who performs work for the Village as a participant in a work assignment program for receiving federal or state income-based public assistance.

4. **Employee's Notification and Reporting Requirements:** An employee shall provide at least 48-hours advance notice to the Village of the employee's intention to take VESSA leave, unless providing such notice is not practicable. If providing advance notice is not practicable, the employee shall provide notice within a reasonable period after the absence for which VESSA leave is being requested, which shall typically be within 24 hours after the absence is taken. While due to unforeseen circumstances the initial notice may be made by phone call to the employee's supervisor or the Village's Human Resources Coordinator, the employee shall provide written notice to the Village of the employee's intention to take VESSA leave by use of the VESSA Leave Application form.
5. **Status of Employee Benefits During Leave of Absence**
  - (a) The Village will continue to pay its established portion of the premiums required to maintain health insurance coverage during any authorized VESSA leave period for the employee and, if applicable, the employee's dependents.
  - (b) Employees on authorized VESSA leave shall not continue to accrue or be eligible for any benefits other than health insurance coverage during the continuance of the VESSA leave of absence. However, employees on authorized VESSA leave shall not lose any benefits accrued prior the commencement of authorized VESSA leave. When the employee returns to work after authorized VESSA leave, the employee shall be restored to the same position or an equivalent position with equivalent benefits, pay, and conditions of employment as when the employee commenced the authorized leave.
  - (c) The Village may recover the premium paid for maintaining coverage for the employee and the employee's dependents under its group health insurance program during any period of VESSA leave if the employee fails to return from the authorized leave after the period of leave to which the employee was entitled has expired, unless the failure to return to work is for reasons related to the continuation, recurrence, or onset of domestic or sexual violence that would otherwise entitle the employee to VESSA leave or for other circumstances or reasons beyond the employee's control.
6. **Procedures:**
  - (a) The employee shall complete VESSA Leave Application form as provided by the Village. This form must be completed, signed by the employee, and submitted to the employee's immediate supervisor for proper approvals. The Village may require certification as set forth below to support a claim for VESSA leave. If possible, the employee should submit the form at least 48 hours in advance of the effective date of the leave. The Village will provide a response to the employee's VESSA leave request by use of the VESSA Leave Response form.
  - (b) VESSA leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Village may request that the employee transfer temporarily to an available alternative position offered by the employer which (i) has equivalent pay and benefits and (ii) better accommodates recurring periods of leave or a part-time schedule.
7. **Certification:** All requests for VESSA leaves of absence shall include a certification from the employee stating that (i) the employee or the employee's family or household member is a victim of domestic or sexual violence; and (iii) the requested leave is for one of the stated purposes set forth in part (a). This certification shall include a sworn statement from the employee and other supporting documentation, such as a police report, other corroborating evidence, or documents from the agency or professional providing assistance to the employee or the employee's family or household member in relation to the domestic or sexual violence.



8. Confidentiality: The Village shall maintain any information provided by an employee pursuant to this Section 12-3-4(C) in strict confidence, including the fact that an employee has requested or obtained VESSA leave pursuant to this Section 12-3-4(C). The Village may release such information only if requested or consented to in writing by the employee or as otherwise required by applicable federal or state law.
9. Interaction with FMLA Leave: When both VESSA and FMLA apply to an employee's circumstances, the right to take unpaid leave established under VESSA does not otherwise exceed or supplement FMLA leave (see Section 12-3-4(A)). For example, a medical condition resulting from domestic or sexual violence may be addressed by both VESSA and FMLA.

Thus, when both VESSA and FMLA apply, VESSA does not create a right to leave in addition to FMLA leave. In such circumstances, when both VESSA and FMLA apply, any period of leave granted under VESSA shall also constitute equivalent leave granted under FMLA, and such VESSA leave shall run concurrently with the employee's FMLA leave. However, when an employee's circumstances or request involve matters not otherwise covered by FMLA, authorized VESSA leave will be granted in addition to leave available under FMLA.

10. Extension of Leave for Domestic or Sexual Violence: Whenever any employee anticipates, or is actually absent from work for a period of more than twelve (12) weeks because the employee or the employee's family or household member is a victim of domestic or sexual violence, the employee may be eligible for an extension of the leave of absence under the provisions of Section 12-3-4(A). The request seeking the extended leave of absence shall be submitted and reviewed under the guidelines and procedures set forth in Section 12-3-4(A), as modified in order to address the specific provisions of VESSA leave.
11. Reasonable Accommodation: An employee eligible to take VESSA leave may also be entitled to reasonable accommodations in regards to the employee's working conditions as a means to address known limitations that have resulted from circumstances related to the employee or the employee's family or household member being a victim of domestic or sexual violence. A reasonable accommodation may include an adjustment to the employee's job structure, workplace facility, or work requirement, such as a transfer, reassignment, or modified work schedule, leave, a changed phone number or seating assignment, installation of a lock, or implementation of a safety procedure in response to actual or threatened domestic or sexual violence. An employee seeking such accommodation should contact the employee's immediate supervisor or department head.

- (D) Policy on Violence (and Domestic Violence) in the Workplace: It is the policy of the Village of Morton to provide a safe and secure work environment for its employees. With the exception of employees whose job it is to maintain peace and order or enforce the law and who are engaged in the performance of these job-related duties, no form of violence, by words or acts, will be tolerated in the workplace. As in all Village policies, this provision can be superseded by State statute or case law. Workplace violence is considered any violence, by words or acts, committed by a Village employee or any other person, which occurs on or about Village premises or Village vehicles, or affects the functioning of a Village employee while the employee performs his or her job. The Village's policy on the possession of firearms is contained in Section 12-3-4(X).

Employees who experience, witness workplace violence, who believe that they may experience, or witness workplace violence because of a threat or other circumstance, (including a threat of domestic violence) should immediately report it to the employee's supervisor or the Village's Police Department as the situation warrants. If the situation involves a threat of violence from another Village employee, the employee should also use the Village's harassment complaint form to properly document the allegations. Retaliation against any employee for making a complaint or report or for providing information in an investigation under this section is prohibited and will be grounds for disciplinary action.

- (E) Confidentiality: Village employees are often tasked with holding, handling, reviewing, and storing confidential information. Employees who do work with confidential information or who otherwise acquire confidential information (directly or indirectly) by virtue of their employment with the Village – during the continuance of the employee's position with the Village and thereafter – must not divulge, disclose, share, or communicate such confidential information with any other person, except as required by law, legal process, or court order. This limitation on divulging, disclosing, sharing, or communicating confidential information includes divulging, disclosing, sharing, or communicating confidential information with other Village employees or Village Officials, except on a need to know basis.

Confidential information includes, but is not limited to, personnel information, information related to personnel matters, personal information from the Village's health plan or other employee benefit plans, certain private or personal information related to customer accounts or patient records, certain information related to Village business plans, Village business practices, and Village financial matters, certain operational and logistical policies of the Village's public safety departments, the Village's safety and security policies for Village property, computer systems, phone systems, and electronic devices, and any other information exempt from disclosure under Section 7 of the Illinois Freedom of Information Act (5 ILCS 140/7).

Employees shall take the necessary steps to ensure the security of confidential information, including storing confidential information in locked file cabinets or storage areas and password protecting computer access to electronic files. Employees may be subject to discipline, including termination, for violations of this policy. No disciplinary action will be taken against an employee for not sharing confidential information with other Village employees, including the employee's supervisor or with Village Officials, if the employee reasonably believes such disclosure violates the employee's obligations to protect and otherwise limit access to the confidential information. However, the employee shall cooperate with and otherwise provide such confidential information to the Village Attorney or Assistant Village Attorney when so requested in relation to Village business.

- (F) Maintenance/Access to Personnel Records: To promote efficiency within the administrative operations of the Village, the Village's Department Heads and supervisors maintain personnel records on each employee which include, among other items, the employee's application for employment, performance evaluations, disciplinary history, attendance records, and records of licenses or permits, educational attainment, commendations, and achievement. The personnel records of individual employees shall be treated confidentially, and shall not be released to third parties except in accordance with Village policy or State or federal law.

Except for the fact of, and the dates of employment, the position(s) held, and the wages or salary paid to any employee or former employee while employed, Village Department Heads, supervisors, and other employees shall not release or disclose any information or records concerning any present or former employee of the Village to any person or entity not affiliated with the Village, including background information concerning a former employee requested by a current or prospective employer, unless the employee or former employee elects to authorize the release of such information, by executing an Authorization And Release on the appropriate form designated by the Village, and delivers the executed Authorization And Release to the Department Head or the Village's Human Resources Coordinator for inclusion within the individual's personnel file. This policy shall not apply to the disclosure or release of information pursuant to any valid order or subpoena in any legal proceedings, or pursuant to State or federal law, or use of information by the Village in any proceeding or dispute in which it is involved, or for its own purposes.

In accordance with state law, employees may request to review personnel documents not exempt from disclosure within their personnel records, and may submit a written statement for attachment to any record which the employee disputes in order to state the employee's position on the matter covered. Employee requests for review of their personnel records should be submitted in writing to their Department Head, or to the Village's Human Resources Coordinator, on forms provided for that purpose. No personnel records may be removed, or altered during any inspection. Except to the extent permitted by law, employees shall not have access to the personnel records of co-workers except where necessary to the performance of their duties as employees of the Village.

- (G) **Employee Identity Protection:** The Village of Morton shall not use an employee's social security number except as allowed under the Illinois Identity Protection Act. Pursuant to the Illinois Identity Protection Act, permitted uses of an employee's social security number include documentation and reporting as required under federal and state income tax laws and regulations. The Village may also use an employee's social security number for internal verification or administrative purposes. Only Village employees who require access to information or documents containing an employee's social security number will be allowed access to an employee's social security number and only as necessary to perform the functions or requirements of that Village employee's job.

- (H) **Gifts, Gratuities, and Lost Property:** Because employees of the Village are employed to serve the public, the employment relationship requires that employees avoid circumstances or situations which might create a conflict or the appearance of a conflict of interest, or raise suggestions of impropriety. To this end, the Village expressly precludes any Village employee from soliciting any gift, gratuity, service, or item of value in exchange for performance of their duty as Village employees, and from accepting any gift, gratuity, or valuable service(s) in exchange for, or as a result of, the performance of their duty as Village employees. Furthermore, the Gift Ban provisions (5 ILCS 430/10-10, et seq.) of the State Officials and Employees Ethics Act (5 ILCS 430/1-1, et seq.) limit a Village employee's ability to accept any gift.

Pursuant to the Gift Ban provisions of the Ethics Act, Village employees are prohibited from receiving a gift from someone seeking action to be taken by an employee during the performance of their duties as Village employees, doing business or seeking to do business with the Village, conducting activities regulated by the Village or Village employees, or who has interests that can be substantially affected by the performance or non-performance of their duties as Village employees. A gift includes any tangible or intangible item having monetary value. The Gift Ban provisions of the Ethics Act also prohibit an employee's spouse, civil union partner, or immediate family members living with the employee from receiving such gifts.

Numerous specific exceptions exist under the Gift Ban provisions of the Ethics Act which may allow a Village employee to accept a gift, including (but not limited to) receiving a gift from a relative, a friend (if circumstances show that gift was not provided because of the employee's official position with the Village), or a co-worker. Other exceptions which allow a Village employee to accept a gift include receiving a bequest, inheritance, or other transfer at death, receiving food or beverages not exceeding \$75 per person in value consumed on the premises from which they were purchased, or receiving any other item or items during any calendar year totaling less than \$100 in value. If an employee has a question about whether the Gift Ban provisions of the Ethics Act apply to a specific situation not specified above, the employee should contact the employee's Department Head for further clarification.

This policy shall not, however, preclude the Village or Village employees from accepting gifts to the Village of equipment or property or other items of value for use by the Village in provision of services to the public. Employees should, however, notify the Superintendent of their department before accepting any such gifts to insure the Village wishes to accept such donation.

Where any employee while on duty, or engaged in performance of his duties for the Village, encounters or finds any abandoned, stolen, or lost property, including any cash, securities, or tangible personal property, which does not contain or exhibit any information to identify its owner, or provide any means for determining to whom the property should be returned, the employee shall take possession of the property and turn it over to the Police Department for safekeeping and efforts to locate the owner. In accordance with 765 ILCS 1030/2-4, the Chief of Police, or such subordinate as he may designate, shall make reasonable efforts to identify and notify the owner, and to return the property, provided the owner can demonstrate satisfactorily his ownership and right to possession of the property and reimburses the Village for any expenses incurred in ascertaining and/or notifying the owner. Where property is unclaimed for a period of six (6) months, it shall be disposed of by public sale or other means authorized by 765 ILCS 1030/1, 3, and the funds from the sale deposited with the Village Treasurer as required by law. This policy shall not apply to abandoned motor vehicles, which shall instead be dealt with as provided by 625 ILCS 5/4-201 et seq. Where authorized by law, the Chief of Police may adopt different rules for the custody and disposition of lost, abandoned, or stolen property.

- (I) **Political Activity:** While Village employees have the right to become involved in the political process during their personal time, they are not permitted to engage in political activity on the job or while on duty or in circumstances in which a reasonable person would construe the employee to be acting as a Village employee while engaging in such activity. Employees shall not use Village stationery, vehicles, office equipment, or any other Village resources, or appear in any Village uniform for unauthorized personal purposes or for political purposes. Political literature shall not be distributed or displayed in or on Village owned property or equipment, and Village employees shall refrain from engaging in any political campaigning while on duty. This restriction shall not be applied to prevent employees from communicating with co-workers about political issues while off duty, or to prevent an employee from seeking political office.

Employees who are elected to public office of the Village shall resign from Village employment prior to taking office.

- (J) **Use of Village Credit Cards:** In appropriate situations, the Village may provide an employee with a credit card issued in the Village's name for use to pay Village expenses. Credit cards issued in the Village's name shall only be used for legitimate, proper, and approved expenses associated with Village business. Credit cards issued in the Village's name shall not be used for personal reasons or purposes under any circumstances. This policy shall apply to all Village employees and all Village officials, including elected Village office holders and appointed Village office holders. Any Village employee using a credit card for personal use shall be subject to discipline, up to and including immediate termination (see Section 12-3-6(B)).

- (K) **Safety Policy:** It is the policy of the Village to provide the safest working environment practicable for its employees, and to plan safety, loss control, and operating efficiency in all aspects of the Village's operation. Accordingly, the Village seeks to promote high safety awareness and loss control in order to minimize hazards and safety risks that adversely affect the safety of Village personnel and the public and security of Village property. All Village employees are expected to maintain a positive attitude about safety and loss control. Furthermore, each Village employee is responsible for accident prevention and loss control within the scope of the employee's job function.

The Department Heads shall develop rules to govern safety on the job, which every employee shall be required to follow in performing his or her duties, and to establish procedures to train employees concerning safety on the job. The Department Heads, in conjunction with the Director of Fire and Emergency Medical Services or his delegate, shall also develop policies to identify, label, and communicate with employees concerning toxic substances and other hazardous substances which employees may encounter in performance of their duties or in the community, and procedures to handle disasters or threats to the public safety which may occur within the Village. These policies should also be designed to eliminate and reduce, as well as control, the various hazards and safety risks which would expose any person or property to a safety risk or loss.

Whenever any employee is injured on the job, or receives any injury directly related to performance of employment duties for the Village, they shall immediately report the injury to their supervisor, regardless of how minor the injury may seem. Where the employee requires medical assistance, the supervisor shall assist in making arrangements to obtain prompt medical treatment for the employee. Supervisors shall promptly and properly record any reported injuries.

- (L) **Accident Reporting Policy:** Any employee who is injured while on duty (regardless of severity of the injury) shall report the injury to the employee's supervisor immediately both verbally and in writing with a completed Accident Investigation Report. The Accident Investigation Report shall include the following: date, time, and place injury occurred, how the injury occurred, the type of injury, and whether medical assistance was obtained. The Report shall be submitted by the end of the workday, or as soon as possible on the next work day if the injury occurs at the end of the workday, or as soon as practicable if the injury otherwise prevents the immediate submission of the Report. Supervisors shall review the Accident Investigation Report and then immediately inform the supervisor's Department Head of all on-the-job injuries.

Any employee witnessing or receiving a report of an injury to a visitor shall verbally report the injury to the employee's supervisor immediately. The employee may also be required to complete a written Accident Investigation Report. Supervisors shall then submit this information to the Village Administrator.

Any incident involving damage to Village property, Village vehicles, or a privately- owned vehicle being operated for Village business or any damage to the property of another incurred when operating Village vehicles, Village equipment, or a privately-owned vehicle being operated for Village business shall be reported immediately to the employee's supervisor both verbally and in writing with a completed Accident Investigation Report. The Report shall include the following: date, time, and place incident occurred, how the incident occurred, and the extent and type of damage. The Report shall be submitted by the end of the workday, or as soon as possible on the next workday if the incident occurs at the end of the workday or when the employee is traveling outside the Village. Employees are also required to notify law enforcement when appropriate.

- (M) Worker's Compensation Insurance and Related Inquiries: The Village of Morton provides Worker's Compensation Insurance to provide employees with three basic protections: (1) to pay work injury related medical bills, (2) to pay two-thirds of average weekly wages while the employee is off work due to the work injury (except when modified by State law for public safety employees), and (3) to cover a settlement based on the permanency of the injury. While not required, many employees obtain the services of an attorney to assist them. When an employee retains an attorney to represent him or her, State law requires the Village to interact directly only with the employee's chosen legal counsel. Accordingly, the Village will not discuss any worker's compensation insurance issues with an employee represented by an attorney. Thus, when an employee retains an attorney, the employee will need to contact the employee's attorney with any questions about the worker's compensation insurance or the related worker's compensation insurance process.
- (N) Use of Village Facilities, Tools & Equipment: Full-time employees may use the department facilities, with the approval of the person responsible for those facilities. When using such facilities, the following rules apply:
1. No repairs of personal vehicles or equipment may be done during working hours.
  2. No use of Village mechanical supplies, such as oil or grease.
  3. No major repairs may be done which would require overnight use of the facility.
  4. No storage of partially-repaired or of any personally owned vehicles, campers, trailers, boats, motorcycles, ATV's, etc., on Village property.
  5. No use of the Village facilities for repairs on a vehicle or equipment not owned by the employee.
  6. The facility must be cleaned and returned to its original state when work is complete.
  7. No disposing of personal waste in Village dumpsters.

Village tools and equipment will not be used for any purpose other than official Village business, with the exception that non-powered hand tools may be borrowed by full-time employees with the permission of that department's Superintendent. Any borrowed tool must be returned in its same condition, or repaired or replaced if damaged or lost. No tool borrowed shall cause any hardship or inconvenience to the Village and shall be borrowed at the end of the work day returned at the start of the next work day. Approval of the use of the hand tool must be obtained from the Superintendent each time it is borrowed. The Superintendent can require the borrower to physically return the tool to the department at any time, day or night.

The reckless or intentional destruction, or abuse, or misuse of Village property, including equipment, tools, and supplies, is prohibited and will not be tolerated. Any equipment, tools, property, or supplies provided for use by an employee in the performance of his or her job are Village property, and must be utilized properly and in a safe manner. Employees shall not be permitted to utilize Village property for their personal use other than what is specifically outlined in this section.

## (O) Use of Village Vehicles

Because of potential liabilities and excessive costs, employee use of Village vehicles for personal purposes must be strictly controlled and limited. Where employees are assigned Village vehicles, the employee will not be permitted to take home the Village vehicle overnight, except that Department Heads and those employees who are required to be “on call” to respond to emergencies, will be permitted to do so. Except as provided in this Subsection 12-3-4(O)-1, at all times, the use of Village vehicles must be confined to use for Village related business. Thus, except as expressly provided in this Subsection 12-3-4(O)-1, Village employees are not permitted to transport their children in Village vehicles except in the cases of an emergency and an alternative vehicle is unavailable. Further, except as expressly provided in this Subsection 12-3-4(O)-1, Department Heads and the designated employees who do take Village vehicles home overnight must confine their use of Village vehicles to travel to and from work.

1. Village vehicles are to be used for conducting Village business only. Exceptions are as follows:
  - (a) The Chief of Police and Director of Fire and Emergency Services are required, due to the nature of their position, to drive their assigned Village vehicle to and from work and for personal use in order to respond promptly to any emergency.
  - (b) Public Works Department Superintendents are allowed to drive a vehicle to and from work, and are allowed limited personal use within the Village limits. Any personal usage is taxable to the employee based upon the IRS regulations.
  - (c) The Director of Public Works is allowed to drive a vehicle to and from work, and for personal use within a 25 mile radius of Morton. Any personal usage is taxable to the employee based upon the IRS regulations.
  - (d) On-call employees are allowed to use a department vehicle for official business (such as service calls) and to drive to and from work, and limited personal use during the time they are on call, provided usage is wholly within the Village limits. Gas and water distribution employees may take the “on-call” vehicle home or may be requested by the Superintendent of the Gas Department to take the “on-call” vehicle home in order to be prepared to promptly respond to an emergency situation.

See Section 12-3-4(P) regarding license requirements for any employee who drives a Village vehicle. All users of Village vehicles shall comply with the safety provisions and procedures set forth in Subsection 12-3-4(O)-2. Furthermore, a driver of a Village vehicle shall not drive while impaired by alcohol, other drugs including cannabis (marijuana) prescribed for medical purposes, or intoxicating compounds and methamphetamine. The employee would be considered impaired if his blood alcohol content exceeds .02% or if he is impaired by cannabis, methamphetamine, or any other intoxicating compound, regardless of the level in his blood.

## 2. Safety and Village Vehicles

- (a) Operators of Village-owned vehicles shall be responsible for checking all vehicle safety devices before driving the vehicle. Any defects found shall be reported and the vehicle shall not be operated until the defect has been corrected.
- (b) Only fully qualified and properly licensed operators shall be permitted to drive or operate Village vehicles.
- (c) All drivers of Village vehicles shall comply with all state, county and local rules and regulations governing the safe and legal operations of vehicles.

- (d) Seat belts shall be worn and secured at all times when the vehicle is moving.
- (e) The driver shall be responsible for assuring that all passengers are seated and properly secured before moving the vehicle. Under no circumstances shall passengers ride on fenders, running boards, the tops of vehicles, or any place not designed for passengers.
- (f) Trucks, when used for transportation of employees, shall be provided with facilities, which will afford safe seating and shall be protected on sides and ends to prevent falls from the vehicle.
- (g) Trucks transporting materials shall not be loaded to a height of greater than 13 feet 6 inches from the ground surface. All materials shall be tightly secured to prevent movement in transport. All cargo that extends 4 feet beyond the end of the bed shall be clearly marked with a red cloth not less than 16 inches square and shall be marked with a red light at night.
- (h) Speed limits on public roads and highways shall be strictly observed by all drivers of Village vehicles.
- (i) Speeds in parking lots, maintenance yards, or in close proximity to persons or equipment shall not be in excess of 10 m.p.h. Lower speed limits may be imposed for selected areas.
- (j) Drivers shall not initiate phone calls by dialing phone numbers or engage in electronic communications by texting or emailing while the vehicle is in motion.
- (k) Drivers shall not use cell phones or other electronic devices in any manner while in a school zone or in a construction zone, or in any other manner that violates a provision of the Illinois Motor Vehicle Code.
- (l) Drivers shall not be under the influence of alcohol, illegal drugs, or prescription drugs which impair the employee's abilities while operating a Village vehicle.
- (m) All accidents involving a Village vehicle, regardless of severity, must be reported to the police and the Village Administrator.
- (n) Any operator of a Village vehicle must immediately report any suspension, revocation, or other action taken by the State with regard to the status of the operator's driver's license; this report shall be made to the operator's direct supervisor, department head, or Village Administrator as appropriate.
- (o) Any traffic violations (including parking tickets), citations, and fines incurred by a driver of a Village vehicle shall be the sole responsibility of that driver. Employees who receive traffic citations (except for parking violations) or any citation regarding the violation of any law, while driving a Village vehicle, , must report such incident to the employee's supervisor within 24 hours.
- (p) Drivers are responsible for the security of the Village vehicle when under their control or in their custody, including the locking of vehicle doors and removal of keys when the vehicle is not in use and unattended.



- (P) Licensing Requirements - Driver's License: While not all Village jobs or positions require the occupant to possess a license or permit to allow the individual to perform specific duties, certain jobs within the Village do require that their occupant hold a special license or permit. Those Village positions requiring any special license or permit in order to perform its recognized duties, list such special license or permit requirements in the position's description, and employees, to be qualified to occupy such position, must have the required license or permit for such position. Where, while occupying the position, an employee's license or permit is suspended or revoked, or expires, the employee shall be terminated or removed from the position, and either transferred or laid off in accordance with Village policy and the Village's current needs.

As a condition of employment, all Village employees shall obtain and maintain a State driver's license appropriate for any vehicles their job may require them to operate. Where appropriate, the Village may provide an employee with reasonable training to obtain the operator's license necessary to operate special equipment. Failure to maintain an appropriate driver's license may result in lay off or termination. Any Village employee whose license is suspended or revoked must immediately inform their supervisor and Department Head of the suspension or revocation. The operation of any Village vehicle without a valid, appropriate, driver's license is not permitted and will result in termination of employment should it occur.

- (Q) Reimbursement of Travel Expenses: Within the provisions of the Internal Revenue Code and related regulations, employees will be reimbursed for travel expenses incurred while conducting Village business or attending Village approved meetings or seminars in accordance with the provisions of this policy. The reimbursement portions of this policy shall apply to all Village employees and all Village officials, including elected Village office holders and appointed Village office holders.

1. Authorization: Prior to travel, each Department Head shall review all travel requests to determine whether a professional benefit will be derived and whether the travel is financially feasible, and thereafter shall approve or deny such travel request. Additionally, all travel requests for out-of-town, overnight travel shall be submitted to the Village Administrator for approval.
2. Reimbursement for Travel Expenses: Within fifteen (15) working days after an employee's return from authorized travel, the employee shall submit all claims documentation related to that travel. Any reimbursement request submitted later than thirty (30) days after the return date from travel will be denied. Documentation for a travel expense must sufficiently support the amount of the claimed expense and must be completed or generated at or near the time when the travel expense is incurred. The reimbursement request and related documentation shall be submitted to the Accounts Payable Clerk at the main Village office.
3. Reimbursable Expenses
  - (a) Transportation: When available, employees driving to the travel destination shall use Village vehicles. If the employee drives a privately owned vehicle, the employee will be reimbursed at the IRS approved rate, plus tolls and parking. Mileage will be reimbursed based upon the trip originating and ending at Village Hall. Employees using privately owned vehicles while on Village business must have insurance coverage in an amount not less than that required by Section 10-101(b) of the Illinois Vehicle Code (625 ILCS 5/10-101(b)). Prior to authorization of any travel by use of private vehicle, the employee must certify or otherwise provide proof that they are duly licensed and carry the required insurance coverage. Travel by air transportation or other public conveyance must receive prior authorization and approval from the Village Administrator and shall be made in the most economical manner available at the time the travel reservations are made.

- (b) Lodging: The Village will reimburse reasonable lodging expenses upon the submission of itemized receipts from the lodging establishment (not a credit card receipt or bill). When applicable, accommodations shall be made at the conference or seminar rate, and any lodging costs exceeding the conference or seminar rate shall be paid by the employee. Only the costs of single occupancy will be reimbursed unless a double occupancy is of equal or lesser value. If a more expensive double occupancy occurs, as the result of a spouse/guest, the employee is responsible for the additional cost.
- (c) Meals: The Village will reimburse meal expenses at a per diem rate using the following criteria:
- (1) The Village will reimburse employees up to \$39.00 for standard daily meal expenses. Meal expenses in “major travel cities” (or “key cities”) shall be reimbursed in accordance with the per diem rates set forth in the current edition of IRS Publication 1542 entitled “Per Diem Rates (For Travel Within the Continental United States)” if such per diem rate is higher than the standard per diem rate. The per diem rates used by the Village will be the “maximum federal per diem rate” in effect on the date of travel in the particular city for “M&IE” (meal and incidental expenses), as set forth in IRS Publication 1542. Also, the standard per diem rate for meals (currently set at \$39.00 in this provision) shall be adjusted in accordance with M&IE rate established in IRS Publication 1542 under the “maximum federal per diem rate”.
  - (2) Receipts are not required for per diem meal reimbursements.
  - (3) Partial day claims for meals will be based upon meal rates (and associated percentages) indicated in the following table:

Breakfast	\$ 7.80	(20%)
Lunch	\$10.50	(27%)
Dinner	<u>\$20.70</u>	(53%)
Total	\$39.00	(100%)
  - (4) The Village will separately reimburse the cost of meal and banquet tickets for conferences, seminars, or training events if such costs are separate from the event’s registration fees and are directly related to the conference, seminar, or training event. If such meal in relation to a conference, seminar, or training event is paid separately, then the per diem rate for that day shall be prorated accordingly.
- (d) Other Fees and Fares: The Village will reimburse the following fees and fares as follows:
- (1) Registration Fees: The Village will pay for all actual charges pertaining to an approved conference, meeting, or seminar, including registration fees, dues and other conference activities, which are verified by a program or bulletin setting forth such fees.
  - (2) In-Town Transportation: The Village will reimburse actual charges for taxis, airport buses or limousine fares, tolls and parking, and business telephone calls. Whenever possible, all such fares should have a receipt.
  - (3) Tips: Expenses for tips should be included with the particular transportation, lodging, and meal expense. Gratuities are not reimbursable as a separate or individual expense.

- (e) Travel Advances: Advances for travel expenses may be provided to an employee upon authorization and approval by the Village Administrator. However, registration fees that are to be paid in advance will only require approval from a Department Head if the travel would otherwise be approved by the Department Head.

4. Expenses Not Reimbursable

- (a) The employee shall not be reimbursed for meals eaten at friends or relatives homes or lodging if staying with friends or relatives.
- (b) Expenses of a personal nature and incurred for the convenience of the traveler, such as expenses for travel by indirect routes or stopovers for personal reasons, are not reimbursable.
- (c) Travel insurance premiums are not reimbursable.
- (d) Personal items such as movie or theater tickets, magazines, bar services, sightseeing fares, hotel/motel pay per view television, etc., are not reimbursable.
- (e) Meal expenses for anyone but employees or business guests in the conduct of official Village business are not reimbursable.
- (f) The cost of alcoholic beverages shall not be reimbursed.

5. Responsibility: All employees who travel on Village business are responsible for compliance with the requirements of this policy, and for the exercise of sound judgment of their travel expenditures. Employees who abuse or violate this policy may have their travel privileges revoked and/or may be subject to discipline as provided in this Manual.

6. Local Travel: This policy shall apply to reimbursement for local transportation, as well as conference and meal expenses, incurred in Morton and the general central Illinois area. Accordingly, all such claims, including mileage reimbursement for local travel, must be submitted within the timeframes established above in Section 12-3-4(Q)-2.

- (R) Prohibition on Smoking: Pursuant to the Smoke Free Illinois Act, smoking is prohibited in any Village building, facility, or vehicle. This prohibition includes, but is not limited to, all offices, meeting rooms, indoor areas used by the public, enclosed indoor work areas, and public or Village conveyances. Also, as further provided under the Smoke Free Illinois Act, smoking is prohibited within 15 feet of an entrance to any Village building or facility. The use of e-cigarettes or any similar devices is similarly prohibited and thus is not permitted in any Village building, facility, or vehicle, or within 15 feet of an entrance to any Village building or facility.

(S) Layoff - Recall Procedures: Where it becomes appropriate to lay off employees for budgetary or financial reasons, a temporary absence of available work, or other reasons including the permanent elimination of positions within administrative operations of the Village, layoffs will normally be affected within the various departments by the Department Head unless controlled by state statute, and will take into consideration, among other criteria, the available financial resources budgeted, the volume and nature of work to be performed, the relative skills, ability, and performance of employees within or among specific job categories or classification descriptions within the department, and the continuous credited service of the various employees likely to be affected by the lay-off within a particular job category or classification description. Except in circumstances where an individual was employed for a particular position because of special training, skill, or qualification, employees still subject to an initial evaluation period will be laid off before any employee possessing credited continuous service and occupying a regular, full-time position. Where all other criteria are relatively equal, and the employees are capable of immediately performing the job(s) required, credited continuous service will ordinarily control, and regular, full-time and/or part-time employees with less continuous credited service will be laid off in preference to, or ahead of, employees possessing greater credited continuous service within specific job categories or classification descriptions within the department. Employees who have been laid off from specific job categories or job classification descriptions will be recalled in inverse order from the order of layoff should conditions allow the Village to restore their former position within less than twelve (12) months from the date of layoff, provided the employee is qualified to fill the position. Where any other job vacancies arise within the department, employees on layoff status may apply for the position, and in such situation, the employee's established continuous credited service will be considered together with all other factors in determining the most qualified applicant for the vacancy.

(T) Promotions and Transfer Policy: Subject to the operational requirements of the Village, and the need to fill positions within its operations with individuals qualified for particular positions by reason of their education, training, special knowledge or expertise, or prior employment experience, the Village's policy is to promote the development and growth of its current employees by giving them favorable consideration for promotions and/or transfers to new job categories or classification descriptions within the Village's operations when vacancies occur or new positions are created. To aid in the effectuation of this policy, the Department Heads are directed to post notices of vacancy for job openings within the Village administration not subject to special statutory or administrative hiring procedures to provide notice to current employees and to the community of available positions. Those employees who desire to be considered shall submit their application for the opening or vacant position, which will be considered together with the applications of others. The credited continuous service of current employees will be taken into consideration along with all other factors in selecting an individual to fill the vacancy or position. Where two or more employees are being considered, and their relative qualifications are determined to be equal, the employee with greater credited continuous service will ordinarily be given preference based upon his or her credited continuous service, subject to any statutory or contractual requirements.

Except in extraordinary situations as determined by Village Officials, an employee who has not completed the initial evaluation period as set forth in Section 12-3-2(B) of this Manual shall not be eligible for a promotion or voluntary transfer to another position within the Village's operations. If an employee does transfer to a different job category or classification within the Village's operations, the employee will not be eligible for another transfer for a period of 12 months.

Decisions regarding the promotion or transfer of employees, and the hiring of new employees shall be made by the President and Village Board unless delegated to individual Department Heads. If an employee receives a promotion or transfers to a different job category or classification and receives an increase in salary or wages as a result of the promotion or transfer, the employee will not be eligible for an increase in salary or wages until the employee has served six months in the new position. Furthermore, if an employee receives a promotion to a supervisory or managerial position, which would include, but not be limited to, a department head, the employee shall be placed at the minimum step ("Step A") for the particular grade for the employee's new job category or classification on the salary schedule (or "pay plan") in place at the time of the employee's promotion. However, in extraordinary situations as determined by Village Trustees and/or the President Village Board, an employee may be placed at a higher step on the salary schedule (or "pay plan") at the time of the employee's promotion to a supervisory or managerial position.

(U) Computer System, Software, Electronic Mail and Voice Mail Policy: The Village of Morton has become increasingly more reliant upon the use of the Intranet and Internet for effective and timely communication. At the same time, the Village and the legal community have growing concerns over laws governing use of electronic and communication media in conducting business. These two factors mandate the implementation of a policy. This policy defines the ownership and appropriate use of these facilities by Village employees and other authorized users. Additionally, misuse of computer systems, software, email and voice mail in violation of this policy may result in disciplinary action, up to and including termination of employment (see Section 12-3-6(B) - Discipline Policy).

1. General Overview and Employee Responsibility: The Village's computer systems, software, electronic mail (e-mail), and voice mail are assets owned by the Village which are critical components of conducting day-to-day operations. The contents of each of these systems are the property of the Village and are to be used to conduct Village business. Employees should be aware that no privacy rights attach to any computer documents in the workplace, except as specifically protected by federal or state law, and that documents can be read and reviewed as the Village deems necessary. Furthermore, employees should understand that no privacy rights attach to any information stored or communicated by computer systems, software, e-mail, or voice mail, except as specifically protected by federal or state law. The Village may monitor the computer systems, software, e-mail, and voice mail, and may retrieve the contents for legitimate business reasons, such as finding lost documents or recovering from system failures. Thus, no guarantee of privacy is afforded for an employee's use of Village computer systems, software, e-mail, and voice mail. Therefore, employees must conduct themselves accordingly. Furthermore, employees should be aware that computer systems, software, e-mail, and voice mail may be subject to discovery procedures in a legal proceeding and may be subject to disclosure in response to a Freedom of Information Act request.

Every employee should use computer systems, software, e-mail, and voice mail in a responsible manner. An employee should use computer resources efficiently and productively, and refrain from monopolizing systems, overloading networks with excessive data, playing computer games, or wasting computer time, connect time, disk space, printer paper or other resources. An employee should immediately report the following matters to the employee's supervisor or Department Head:

- The employee receives or obtains information to which the employee is not entitled or authorized.
- The employee becomes aware of a "virus" infection. In order to reduce the risk of spreading computer viruses, an employee should not import files from unknown or disreputable sources, software, or files obtained from remote sources must be checked for viruses before use. The systems administrator should be contacted regarding any questions about viruses or how to check for viruses.

- The employee knows of any inappropriate use of resources.

Further, an employee must adhere to copyright law regarding use of software, information, and attributions of authorship. All software used for office or off- site work must be returned when requested by the Village.

Use of Village computer systems, software, e-mail, and voice mail is limited to Village employees.

Village computers and software will be installed and maintained ONLY by authorized personnel. Only IT personnel, under the guidance of the Village Administrator, can authorize installation or maintenance of either hardware or software on Village computers. An employee may not bring the employee's computer equipment onto Village property, and must only use the Village's computer equipment while at work, except when vendors or contractors providing services to the Village provide computer systems with their services.

2. Use of Employee Software: An employee may have software which the employee might like to install on a work computer to enhance productivity or to enhance the working environment. The Village has an obligation to ensure that software on its computers is being used legally according to that software's license and to ensure that the software installed and the method of installation does not create difficulties on the individual computer or on the Village network. Employees who wish to be authorized to install particular software on their computers or who wish to have such software installed must certify that they are using the software according to license and must register the license information with the systems administrator.

The Village has the capacity to survey individual computers through the network, and will remove programs not authorized for installation, and will report the incident to the appropriate personnel. The following rules apply to use of an employee's software:

- Multiple installations of the same license will be assumed to violate copyright laws unless a multiple license provision can be demonstrated.
- Games and other software not related to the mission of the Village may not be installed on the Village equipment.
- "Migrating" to an upgrade computer does not carry with it the right to "migrate" software to that computer unless that software is completely removed from the original computer.

Screen savers, sound events, wallpaper, and other system additions found on Village computer systems represent the Village as well as the individual. Accordingly, these additions must comply with the provisions of the Village's harassment policy which is set forth in Section 12-3-2(I)-1. Thus, these additions should avoid material which is sexually suggestive or might reasonably be construed as being demeaning to any individual or group. If the law, a member of the public, another employee, or common sense would indicate that material should not be displayed in an office, it should not be displayed on computers owned by the Village.

3. Prohibited Behaviors: Any use of the computer or communication resources for inappropriate or unauthorized purposes, or in support of such activities, is prohibited. The following list of conduct, which is not all inclusive, is expressly prohibited:
- (a) Obtaining or reviewing any obscene, sexually explicit, pornographic, profane, or offensive material, including downloading pornographic or erotic materials, or transmitting messages, jokes, or materials that violate the Village's harassment policy (see Section 12-3-2(l)-1) or which create an intimidating or hostile work environment.
  - (b) Use of Village systems to set up or service personal business.
  - (c) Accessing or transmitting copyrighted or trademarked information in a way that violates the copyright or trademark of the owner, which would include duplicating, transmitting, or using software in a manner which is not in compliance with software license agreements, and unauthorized use of copyrighted materials or another person's original writings.
  - (d) Unauthorized use of a Village's or employee's computer or communication system.
  - (e) Broadcasting personal views on social, political, religious, or other non-business related matters.
  - (f) Soliciting for the buying and selling of any goods or services.
  - (g) Illegal use, meaning any use for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.
  - (h) Commercial use, meaning any use for commercial purposes, product advertisements, or "for profit" personal activity.
  - (i) Use which would be considered a security violation, meaning:
    - (1) Copying, disclosing, transferring, examining, renaming, or changing information or programs belonging to another user unless express permission to do so is given by the user responsible for the information or programs.
    - (2) Unauthorized use of a password or mailbox unless specifically authorized to maintain and support the system.
    - (3) Representing yourself as someone else, fictional or real.
    - (4) Physically connecting the Village's network or your computer to another network without proper authorization from the systems administrator. Indiscriminate connection to other networks could neutralize the system.
  - (j) Knowingly or inadvertently spreading computer viruses. "Computer viruses" are any programs that can destroy valuable programs and data.
  - (k) Distributing "junk" mail such as chain letters, advertisements, or unauthorized solicitations.

(V) Cell Phone & Electronic Device Usage Policy: The Village of Morton may issue cellular telephones or similar electronic communication devices to certain Village employees and Village Officials. The Village has become increasingly more reliant upon the use of electronic communications devices, including cellular phones, for effective and timely communication. At the same time, the Village and the legal community have continuing concerns over laws governing use of electronic and communication media in conducting business. These two factors mandate the implementation of a policy. This policy defines the ownership and appropriate use of these electronic communication devices by Village employees, Village Officials, and other authorized users. Additionally, misuse of electronic communication devices, including related software and texting capabilities and voice mail, in violation of this policy may result in disciplinary action, up to and including termination of employment (see Section 12-3-6(B) - Discipline Policy).

1. General Overview and Employee Responsibility: The Village's electronic communication devices and voice mail are assets owned by the Village which are critical components of conducting day-to-day operations. The contents of these systems are the property of the Village and are to be used to conduct Village business. Employees should be aware that no privacy rights attach to any electronic communications, including text messages and voice mail, except as specifically protected by federal or state law, and that electronic communications can be read and reviewed as the Village deems necessary. Furthermore, employees should understand that no privacy rights attach to any information stored or communicated by such electronic communication devices or voice mail, except as specifically protected by federal or state law. The Village may monitor the electronic communication devices, including text messages and voice mail, and may retrieve the contents for legitimate business reasons. Thus, no guarantee of privacy is afforded for an employee's use of Village issued electronic communication devices, including any associated text messages and voice mail. Therefore, employees must conduct themselves accordingly. Furthermore, employees should be aware that electronic communication devices, including any associated text messages and voice mail, would be subject to discovery procedures in a legal proceeding and may be subject to production in response to requests under the Freedom of Information Act.

Every employee should use electronic communication devices, including text messaging and voice mail, in a responsible manner. With an understanding of the lack of privacy rights and employee responsibilities as expressed herein, reasonable personal use of electronic communication devices, including text messaging and voice mail, is permitted. Employees should exercise good judgment regarding the reasonableness of such personal use. Additionally, use of Village issued electronic communication devices is limited to Village employees and Village Officials.

2. Issuance of Electronic Device: The Village shall be responsible for all costs associated with providing the initial cell phone or similar electronic device. If the employee or Village Official loses or damages the cell phone or similar electronic device under any circumstance or for any reason (including having the phone or device stolen from the employee or Village Official), that employee or Village Official shall be responsible for any cost associated with replacing or repairing such cell phone or similar electronic device, unless otherwise determined by the employee's Department Head or authorizing Village Official should the device be lost or damaged through no fault of the employee or Village Official while conducting Village business or acting on the Village's behalf.
3. Prohibited Behaviors: Any use of the electronic communications device for inappropriate or unauthorized purposes, or in support of such activities, is prohibited. The following list of conduct, which is not all inclusive, is expressly prohibited:
  - (a) Obtaining or reviewing any obscene, sexually explicit, pornographic, profane, or offensive material, including downloading pornographic or erotic materials, or transmitting messages, jokes, or materials that violate the Village's harassment policy (see Section 12-3-2(l)-1) or which create an intimidating or hostile work environment.



- (b) Accessing or transmitting copyrighted or trademarked information in a way that violates the copyright or trademark of the owner, which would include duplicating, transmitting, or using software in a manner which is not in compliance with software license agreements, and unauthorized use of copyrighted materials or another person's original writings.
  - (c) Unauthorized use of the electronic communications device.
  - (d) Illegal use, meaning any use for illegal purposes, or in support of such activities. Illegal activities shall be defined as any violation of local, state, or federal laws.
  - (e) Use which would be considered a security violation, meaning:
    - (1) Copying, disclosing, transferring, examining, renaming, or changing information or programs belonging to another user unless express permission to do so is given by the user responsible for the information or programs.
    - (2) Unauthorized use of a password or mailbox unless specifically authorized to maintain and support the system.
    - (3) Representing yourself as someone else, fictional or real.
  - (f) Knowingly or inadvertently spreading viruses by use of the electronic communications device. "Viruses" are any programs that can destroy valuable programs and data or disrupt the communications system.
  - (g) Use of a cell phone or other electronic device while driving in a school zone or a construction zone.
  - (h) Use of a cell phone or other electronic device while driving for texting or otherwise sending electronic messages.
4. Personal Cellular and/or Electronic Devices: While at work and during paid work time, employees are expected to exercise discretion in using personal cellular/wireless devices. Personal calls during work hours, regardless of the type of personal cellular/wireless device used can interfere with employee productivity, safety and may be distracting to others. Employees are expected to make personal calls on non-work time (i.e. breaks, lunch) and to ensure that friends and family members are aware of the Village's policy. Flexibility will be provided in circumstances demanding immediate personal phone use, but this immediate need should be communicated to an employee's supervisor.

In order to ensure a productive work day, the following use of a personal cellular/wireless device is prohibited during working hours:

- Accessing the internet for non-work related purposes
- Playing games
- Watching movies, television, sports, etc.
- Any activity that violates Village policy, including accessing and/or distributing pornographic or harassing material

Abuse of this policy may lead to disciplinary action.

Any use of a Village issued electronic communications device that allows or provides access to the internet or any portion of Village computer systems shall also comply with the provisions of Section 12-3-4(W) of this Manual.

(W) Social Media Policy and Guidelines: This is the Village's official policy for social media use and provides guidance for employees and elected officials on their professional and personal use of social media.

1. Professional Use of Social Media: Before engaging in social media as a representative of Village, an employee must be authorized to comment by an elected Village Official or Department Head. A Village employee may not comment as a representative of the Village unless authorized to do so. Once authorized to comment, the employee must:
  - Disclose you are an employee or elected official of the Village, and use only your own identity.
  - Disclose and comment only on non-confidential information.
  - Ensure that all content published is accurate and not misleading and complies with all Village policies.
  - Comment only on the employee's area of expertise and authority.
  - Ensure comments are respectful and refrain from posting or responding to material that is offensive, obscene, profane, defamatory, threatening, harassing, bullying, violent, discriminatory, infringes copyright or trademark, breaches a Court order, or is otherwise unlawful.
  - Refrain from making comments or posting material that might otherwise cause damage or injury to the reputation of any Village employee or Village Official or otherwise put the Village, a Village employee, or Village Official in a bad or negative light.
2. Personal Use of Social Media: The Village recognizes that an employee may wish to use social media in his or her own personal life. This policy does not intend to discourage or unduly limit an employee's personal expression or personal online activities. However, an employee should recognize the potential for damage caused (either directly or indirectly) to the Village, another Village employee, or a Village Official in certain circumstances through or in relation to an employee's personal use of social media when the employee can be identified as a Village employee. Accordingly, an employee should comply with this policy to ensure that risk of such damage or injury is minimized.

An employee is personally responsible for the content published in a personal capacity on any form of social media platform. Remember that all posts are public and often permanent. When in doubt, an employee should seek guidance from the employee's supervisor or department head on how to comply with this policy. When using social media on a personal basis, an employee or Village Official should use the following guidelines:

- Do not represent yourself as a Village representative. Unless the Village has designated the employee to speak officially for the Village, an employee should not state that the employee writes or speaks on behalf of the Village, and an employee should make this clear to those reading or listening to the employee's points of view. Also, an employee should not use the Village logo on any social media postings.
- Do not disclose private or confidential information about the Village, Village employees, Village Officials, or about citizens that the employee obtained through the employee's employment with the Village. Confidential information is information that is exempt from disclosure under Section 7 of the Illinois Freedom of Information Act (5 ILCS 140/7) or as otherwise defined as confidential information in Section 12-3-4(U) of this Manual.

- Even when using social media on a personal basis, employees may be disciplined for posting material that is, or might be, construed as a violation of the Village's workplace policies against discrimination, harassment on account of age, race, religion, sex, sexual orientation, gender, ethnicity, nationality, disability, or other protected class, status, or characteristic or that is otherwise offensive, malicious, demeaning, obscene, abusive, harassing, threatening, or intimidating regarding any Village employee, Village Official, or regarding a citizen that the employee obtained information about through the employee's employment with the Village.
- If an employee chooses to identify the employee's work affiliation on a social network, the employee should regard all communication on that network as the employee would in a professional network. Ensure the employee's profile, photographs, and related content are consistent with how the employee wishes to present himself or herself with colleagues and clients. Alternatively, the employee should post a clearly identifiable disclaimer that any postings or blogs are solely the opinion of the employee and not the Village.
- Employees who access social media during work hours or on Village owned equipment must still comply with the Village's computer usage policies. There is no right to privacy on Village owned equipment.
- The Village may discipline employees for making a comment or posting any material that violates Village policy as set forth in this social media policy, the Personnel Policy Manual, or other Village policy.
- Nothing in this social media policy shall be interpreted in a manner that violates an employee's First Amendment rights or interferes with an employee's right to engage in protected concerted activity or union activity.

(X) Firearm Concealed Carry Provisions: A Village employee, whether working or not, is prohibited from carrying a firearm into any public building or prohibited area, as defined in Section 65 of the Firearm Concealed Carry Act, as now in effect or as may be amended in the future. No employee may bring a firearm or other weapon onto Village premises or into a Village vehicle or the vehicle's storage compartments unless (1) the employee must carry a firearm or weapon as part of the employee's specified job requirements, or (2) if the employee has a properly issued concealed carry license for a firearm and the firearm and any firearm ammunition are properly stored in a case within the employee's locked vehicle in a Village parking lot or in a locked container out of plain view within the employee's vehicle in a Village parking lot (under this exception #2, the employee may carry an unloaded concealed firearm in the immediate area surrounding the employee's vehicle only for the limited purpose of storing or retrieving the firearm within the vehicle's trunk). Any employee who violates this policy will be subject to immediate disciplinary action, up to and including termination.

1. Exceptions:

- (a) Police, both regular and auxiliary, may carry a firearm or possess a firearm in a Village vehicle while on duty.
- (b) Unloaded firearms may be in a public building for training purposes conducted by the Chief of Police or his designee or the Director of Fire and Emergency Services or his designee.
- (c) If a volunteer firefighter, paramedic, police officer or auxiliary police officer, while in his or her personal vehicle, responds to an emergency situation and that person has a firearm in his or her vehicle that shall not be considered a violation of this ordinance.

- (d) If a firearm is found on a person paramedics are treating, the paramedics may secure the firearm and store it in the ambulance.
- (e) The carrying of a firearm by the Chief of Police or the Deputy Chief of Police in a Village vehicle while using it for personal use.
- (f) Any state statute or federal law that applies and allows the carrying of a firearm that would otherwise be prohibited by this ordinance.

12-3-5: **HOURS OF WORK:**

- (A) **The Workweek:** Except for sworn employees and any other employees governed by special rules, the work period shall normally consist of five consecutive days during a period of seven consecutive days. For full-time employees, the regular workweek shall consist of forty or more hours, while the workweek for part-time employees shall vary depending upon the operating requirements of the Village and the nature of the part-time employee's duties.
- (B) **The Workday:** The various Department Heads will establish the working schedule for employees within their department, which schedule should be published not later than four days before the start of a new workweek, and should include the times and days each employee is scheduled for duty during that workweek. Every employee scheduled to work seven or more hours of work consecutively in a workday shall be provided an unpaid period for lunch of not less than twenty (20) minutes in addition to any authorized break periods designated by the Department Head. To allow for maximum flexibility in scheduling to meet the operational needs of the department and the desires of employees, the Department Heads shall have authority to vary the working hours for employees consistent with the needs of the department so long as it does not create overtime or other unnecessary expense.
- (C) **Overtime Hours:** To meet the operational requirements of the Village, all employees are expected to work hours in excess of their regular schedule whenever they are notified that conditions require that they perform additional work. Department Heads should endeavor to equalize the burden imposed upon employees within particular job groups or classifications, and shall endeavor to provide as much advance notice that an employee will be required to work beyond his or her scheduled hours as possible in the circumstances.  
  
For those employees not exempt from the requirements of the Fair Labor Standards Act, the Village shall pay overtime compensation at a rate of one and one-half times the employee's regular hourly rate of pay for all hours worked in a workweek in excess of the applicable standard established by the Fair Labor Standards Act, or the rules and regulations issued pursuant to that Act, so long as that Act is applicable to the Village.
- (D) **Recordkeeping Policy - Recording of Hours Worked:** In order to comply with the Fair Labor Standards Act and to insure employees are properly paid, Department Heads and supervisors are directed to establish appropriate practices to maintain records of the days/hours worked by employees. Employees required to record the hours worked shall be required to sign their records, and shall by signing, certify to the accuracy of the records submitted. Submission of false or misleading records shall not be allowed, and shall require termination of any employment relationship should it occur.
- (E) **Business Hours:** Business hours for the Village of Morton, meaning those hours when the public may routinely contact a department of the Village to receive service, shall normally be from 7:30 A.M. to 5:00 P.M., Monday through Friday, but may be varied within a particular department by direction of the Department Head.

- (F) Supplemental Authority: Due to the variations which necessarily exist within different departments, and within different job groups or categories within particular departments, the Department Heads shall have authority in establishing and changing workweeks, working hours, and work schedules of employees to meet operating requirements within that department in the most advantageous and cost efficient manner possible.
- (G) Payroll Period: Employees will be paid on a semi-monthly basis. Accordingly, employees shall be paid 1/24th of the annual salary as established by the annual salary resolution, applicable bargaining agreement, or other contractual arrangement. The pay dates shall be the fifteenth (15th) and last day of each month, and shall represent all compensation earned during that payroll period as established by the Village.

Employees will be paid by either check or electronic direct deposit into the employee's account at a bank or financial institution of the employee's choosing. If payment is request by electronic direct deposit then the employee shall provide the necessary information to the Village regarding the account where the employee shall have the direct deposit of the employee's paycheck directed. An employee shall contact the Village's payroll department or the Village Administrator to make changes to the employee's direct deposit information. When a payroll date falls on a weekend or holiday, direct deposit of an employee's paychecks will normally be completed no later than the day immediately preceding the weekend or holiday.

12-3-6: **ATTENDANCE / DISCIPLINE AND OPEN DOOR POLICY:**

- (A) Attendance Policy: The first duty of every employee is to maintain an acceptable record of regular, on-time attendance when scheduled for duty, and to provide proper, advance notice to their employer when circumstances necessitate absence or tardiness. Each time an employee is late in reporting to work, or is absent from work, adjustments must be made which detract from the efficient conduct of Village operations and inconvenience other employees and/or the public, regardless of the employee's reasons for being late or absent. While the Village administration recognizes employees may occasionally need to be absent, either for illness or injury or personal business, and has therefore adopted policies which are designed to offset the financial loss an employee would otherwise experience in these situations, these policies are not intended, and cannot be permitted to have the effect of encouraging absence. Each employee must strive to maintain regular, on-time attendance when scheduled in order to justify their continuing employment with the Village.

To foster and encourage regular, on-time attendance, insure that absence and/or tardiness do not become a significant problem, and provide employees who develop an unacceptable record of absence or tardiness with notice and the opportunity to correct the problem before it requires their termination, Department Heads and/or supervisors within the Village administration shall maintain attendance calendars on every employee to record instances of tardiness and/or absence from work when scheduled, with or without advance notice and/or legitimate reason justifying the occurrence. Whenever an employee's attendance calendar shows the employee has developed a record of unnecessary or excessive tardiness, absence without proper advance notice or legitimate basis, pattern absenteeism or excessive absence from duty, the Department Heads should prepare a written notice to the employee documenting the problem and the need to initiate corrective measures, and, if possible, meet with the employee to discuss the attendance problem, including methods by which it may be corrected, and inform the employee that further problems will lead to corrective actions or termination. If, despite this notice, the employee fails to correct the problem, Department Heads shall initiate prompt, effective corrective actions to remedy the problem, including, where it is found to be necessary, terminating the employment relationship in order to employ someone who is capable of maintaining acceptable regular, on-time attendance.

Absence or tardiness without proper advance notice and/or legitimate basis, in particular, cannot be tolerated. Each department shall establish procedures by which employees may provide proper, advance notice of the fact, and the reason for, an incident of tardiness or absence. Once established, employees must follow proper procedures, and the failure to do so shall warrant imposition of prompt corrective action or termination, depending upon the circumstances.

- (B) **Discipline Policy:** To provide services to the public with maximum efficiency, the Village administration must insure employees conform to the Village's policies, directives, and rules of employee conduct, while performing their delegated functions and duties in a safe and proficient manner. Certain standards of conduct to which employees must adhere are inherent in the nature of employment to the point that no statement or rule need be established or documented in order for employees to be expected to know the actions are impermissible, and would require termination of employment if they occur. Other conduct may have less significant effect, such that notice the conduct is unacceptable may be given before a termination would occur. Due to the investment the Village makes in its employees, and the desire to remedy deficiencies in their performance in order to promote the employee's development, the Village's policy shall be to encourage the use of progressive corrective discipline and fair, uniform enforcement of standards of employee conduct. Because circumstances may differ, however, between or even within departments, the Village administration retains the discretion to determine, in each instance, what action should be taken in response to particular employee conduct. Nothing herein shall restrict the right of the Village to terminate the employment relationship with any employee upon notice whenever it deems that decision to be in the Village's best interest.

Authority to initiate progressive corrective actions, and to recommend employment terminations to the responsible authority, is delegated to the various Department Heads, and their supervisors, who shall work together to maintain proper discipline within their assigned department.

Where the Village administration determines particular employee conduct does not warrant an immediate termination of employment, it may provide either verbal or written notice that the conduct has been found to be unacceptable to the employer, which notice may be accompanied by a suspension of the employee from duty, without pay, for a period of between one and five days. Any verbal notice or warning shall, however, be documented and made a part of the employee's personnel record. For conduct or violations found by the Village administration to be minor in nature, and for which the administration determines an opportunity to remedy the situation should be granted to the employee, the following progressive, corrective procedure may be utilized, subject to the right to initiate more severe corrective actions when they are deemed necessary:

- First Occurrence: Verbal Warning (documented)
- Second Occurrence: Written Warning with or without suspension without pay
- Third Occurrence: Suspension without pay and warning of termination
- Fourth Occurrence: Termination

Employees shall be requested to sign acknowledging receipt of any written warning or suspension notice. As a part of any corrective action imposed upon an employee, the employee may be required to participate in the Village's Employee Assistance Plan (or other similar program) when the employee's misconduct or deficient performance is related to issues addressed by the Employee Assistance Plan.

A record of each corrective action implemented should be produced and retained as part of each employee's personnel record. Employees receiving multiple corrective action notices within a short period time, such as twelve (12) months, may be terminated even though the various corrective warnings are for unrelated conduct where the Village concludes the employee's overall record is unsatisfactory.

- (C) Open Door - Dispute Resolution Procedure: The Village administration recognizes the value of open and honest discussion in the effort to identify and correct sources of discord, and finds it to be in the Village's interest to foster and encourage an open-door policy in which employees may voice differences, disagreement, or disputes without fear of retaliatory actions. At the same time, to maintain productive and efficient use of the Village's resources, it is beneficial to channel employee complaints, disagreements, or disputes concerning their employment relationship into the existing supervisory structure of the Village's administration. To promote these goals, and to further the Village's desire to remove sources of discord in order to foster efficiency and morale, the Village policy shall be to encourage employees to channel their complaints, disagreements, or disputes into the following procedure.

Any employee having any complaint, disagreement, or a dispute concerning a matter relating to his or her employment or another employee should, in the first instance, attempt to discuss the problem with his or her immediate supervisor at the earliest opportunity following the incident or situation giving rise to the problem. Should these efforts fail to resolve the problem for the employee, the employee may request a Grievance Form from the Village Administrator. This form must be filed within 14 calendar days of the event that lead to the grievance. The grievance process will follow the following steps:

- The employee shall file the form with the employee's Department Head, unless the grievance pertains to actions taken by the Department Head; in which case the form should be filed with the either the Director of Public Works or the Village Administrator. If the grievance pertains to actions taken by the Director of Public Works or the Village Administrator, then the form should be filed with the Village President.
- The person to whom the complaint is initially directed shall review all of the facts and circumstances of the complaint. A written decision shall be made by the Reviewer within five (5) business days of the date of the complaint.
- If the employee is not satisfied with the decision of the reviewer, then he or she has the right to appeal. The appeal must be filed with the person responding to the grievance within 7 business days of the notice of decision. The appeal will be reviewed by the next higher step of authority noted in the first paragraph above. If the grievance was responded to by the Village President, then the decision is considered final.
- All appeals must be responded to within 7 business days.
- All findings must be in writing.
- In the case where the individual who has the responsibility for a response to the grievance or any appeal is off work for a period of two weeks or less, the time limit shall be extended and shall commence once the person or reviewer returns to work.
- This procedure does not apply to any employees covered under a collective bargaining agreement. Those agreements shall govern.
- If an employee violates the provisions of this procedure, they may be subject to disciplinary action.

Nothing within this procedure is intended to authorize or condone any employee refusal to perform his or her duties or functions because the employee disagrees with or disputes an assignment or direction received from his or her supervisor or Department Head. Employees are expected and required to comply with directions from their supervisors whether they agree with them or not, and the failure to do so will be deemed to constitute, and treated as insubordination.

(Ord. 15-15, 12-21-15)



## CHAPTER 4

**EMERGENCY DECLARATIONS**

## SECTION:

- 12-4-1; Purpose  
 12-4-2; President Of Board Of Trustees' Power During Emergency  
 12-4-3; Absence Of President  
 12-4-4; Special Emergency Authority

12-4-1: **PURPOSE:** This ordinance is enacted to set out and clarify the authority of the Village and its officers and employees with regard to emergency and disaster situations. It is intended to grant as broad a power as permitted by statutory and constitutional authority.

12-4-2: **PRESIDENT OF BOARD OF TRUSTEES' POWER DURING EMERGENCY:** Notwithstanding any provision of this Code to the contrary, when the President determines in the President's sole discretion that a state of public emergency exists with the Village, the President may by proclamation declare a state of emergency and exercise through the assistance of the Chief of Police and Director of Fire and Emergency Services all emergency powers, including but not limited to the following:

- (A) The power to direct emergency response activities by Village departments and by such emergency services personnel as the President may designate or appoint.
- (B) The power to utilize all Village personnel, equipment, and resources in response to such emergency.

12-4-3: **ABSENCE OF PRESIDENT:** In the absence of the President, the following described persons may exercise the powers granted to the President in this Chapter, in the following order of priority:

President Pro Tem  
 Any Two (2) Trustees

12-4-4: **SPECIAL EMERGENCY AUTHORITY:** In the event the Chief of Police or the Director of Fire and Emergency Services determines that a state of emergency exists, either may immediately utilize all Village personnel, equipment, and resources in response to such emergency, notwithstanding the fact an emergency may not yet have been declared as provided herein. (Ord. 03-08, 8-4-03)



CHAPTER 5  
NATURAL DISASTERS

## SECTION:

12-5-1; Purpose  
12-5-2; Tasks to be Accomplished  
12-5-3; General Powers

12-5-1: **PURPOSE:** This ordinance is enacted to set out and clarify procedures to be implemented by the Village for the removal of all types of debris, including trees and landscape materials, from areas that are affected by a natural disaster. (Ord. 03-46, 04-15-04)

12-5-2: **TASKS TO BE ACCOMPLISHED:** The Superintendent of Public Works is authorized and directed as follows:

- (A) To assist the police, fire, and paramedics with protecting life and property in rescue operations.
- (B) Restore, if necessary, Village utility service, sewer, water and gas as soon as practical.
- (C) Clear the public streets of debris.
- (D) Remove all types of debris, including trees and landscape materials from areas affected by the natural disaster, provided such debris and materials are able to be accessed at the curb line. (Ord. 03-46, 04-15-04)

12-5-3: **GENERAL POWERS:** To accomplish the matters referred to in 12-5-2, the Superintendent of Public Works may call upon such other government agencies as are necessary for assistance, hire outside contractors, and borrow, rent, or lease equipment as is necessary. (Ord. 03-46, 04-15-04)



## CHAPTER 6

**STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

## SECTION:

12-6-1: State Officials and Employees Ethics Act

12-6-1: **STATE OFFICIALS AND EMPLOYEES ETHICS ACT:**

- (A) The regulations of Section 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Section) are hereby adopted by reference and made applicable to the officers and employees of the Village to the extent required by 5 ILCS 430/70-5.
- (B) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the Village, is hereby prohibited.
- (C) The offering or making of gifts prohibited to be offered or made under the Act, to an officer or employee of the Village, is hereby prohibited.
- (D) The participation in political activities under the Act, by any officer or employee of the Village, is hereby prohibited.
- (E) For purposes of this Section, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5C).
- (F) The penalties for violations of this Section shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- (G) This Section does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of Village officers and employees. To the extent that any such existing ordinance or policies are less restrictive than this Section, however, the provisions of this Section shall prevail in accordance with the provisions of 5ILCS 430/70-5(a).
- (H) Any amendment of the Act that becomes effective after the effective date of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Corporate Authorities of the Village.

- (I) If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then this Section shall be repealed as of the date that the Illinois Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section shall be deemed repealed without further action by the Corporate Authorities of the Village if the Act is found unconstitutional by the Illinois Supreme Court.
  
- (J) If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by Section shall remain in full force and effect; however, the part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by Corporate Authorities of the Village. (Ord. 04-01, 5-3-04)

## CHAPTER 7

**FIREARM CONCEALED CARRY PROVISIONS**

## SECTION:

- 12-7-1: Prohibited Area
- 12-7-2: Employee Working Hours
- 12-7-3: Village Vehicles
- 12-7-4: Exceptions
- 12-7-5: Firearm Definition

- 12-7-1: **PROHIBITED AREA:** A Village employee, whether working or not, is prohibited from carrying into any public building or prohibited area, as defined in Section 65 of the Firearm Concealed Carry Act, as now in effect or as may be amended from time to time.
- 12-7-2: **EMPLOYEE WORKING HOURS:** A Village employee shall be prohibited from carrying a concealed firearm during the hours he or she is working for the Village.
- 12-7-3: **VILLAGE VEHICLES:** A Village employee is prohibited at all times from having a firearm in any vehicle owned by the Village.
- 12-7-4: **EXCEPTIONS:** The following are exceptions to Section 3
- (A) Police, both regular and auxiliary may carry a firearm or possess a firearm in a Village vehicle while on duty.
  - (B) Unloaded firearms may be in a public building for training purposes conducted by the Police Chief or his designee or the Director of Fire and Emergency Services or his designee.
  - (C) If a volunteer firefighter, paramedic, police officer, or auxiliary police officer, while in his or her personal vehicle, responds to an emergency situation and that person has a firearm in his or her vehicle, that shall not be considered a violation of this ordinance.
  - (D) If a firearm is found on a person paramedics are treating, that is not a violation and neither is the fact the paramedics will have to secure it and keep it in the ambulance
  - (E) The carrying of a firearm by the Police Chief or Deputy Police Chief in a Village vehicle while using it for personal use.
  - (F) Any state statute or federal law that applies and allows the carrying of a firearm that would otherwise be prohibited by this ordinance.
- 12-7-5: **FIREARM DEFINITION:** Firearm means firearm as defined in 430 ILCS 65/1.1 as now in effect or as may be amended from time to time.  
(Ord. 14-04, 5-19-14)





**TITLE 13**

**PERSONAL WIRELESS SERVICE FACILITIES**

Subject	Chapter
Personal Wireless Service Facilities . . . . .	1



## CHAPTER 1

**PERSONAL WIRELESS SERVICE FACILITIES**

## SECTION:

- 13-1-1: Short Title
- 13-1-2: Purpose
- 13-1-3: Definitions
- 13-1-4: Co-Location Requirements
- 13-1-5: Pre-Existing Personal Wireless Service Facilities
- 13-1-6: Specification Of Land Use Classifications
- 13-1-7: Tiered Permit Process
- 13-1-8: Standards
- 13-1-9: Fall Zone; Setback Requirements
- 13-1-10: Fees
- 13-1-11: Alternatives Analysis And Comparison
- 13-1-12: Modifications
- 13-1-13: Registry; Monitoring; Inspection; Abandonment; Obsolescence
- 13-1-14: Radio Frequency Radiation Emissions
- 13-1-15: Noise
- 13-1-16: Lighting; Security
- 13-1-17: Sign/Identification Plaques
- 13-1-18: Screening; Landscaping
- 13-1-19: Access; Parking
- 13-1-20: Aircraft Hazard
- 13-1-21: Review Of Permit
- 13-1-22: Interference With Public Safety Telecommunications
- 13-1-23: Conflict; Severability Clause

13-1-1: **SHORT TITLE:** This Code shall be known as Personal Wireless Service Facility (PWSF) Code of the Village of Morton, Illinois, and may be so cited and pleaded and shall be referred to herein as the Code.

13-1-2: **PURPOSE:** The primary intent of this Code is to regulate PWSFs, including antennas, mounts, and equipment to be located within the Village of Morton. This Code is not intended to nor does it apply to amateur radio communications and amateur radio antennas. Therefore, the purpose of this Code shall be to:

- (A) Comply with all federal and state regulations regarding the placement, use, and maintenance of PWSFs.
- (B) Encourage the continued improvement of wireless telecommunications service in the Village.
- (C) Minimize, to the extent permitted by law, the proliferation of visual and safety impacts of personal wireless service facilities throughout the Village.
- (D) Promote both proper maintenance and renovation of PWSFs.
- (E) Discourage the use of co-location of telecommunications towers by multiple providers so as to reduce the number of high towers needed within the Village of Morton.
- (F) Ensure that these regulations are compatible with the Zoning Ordinance.

(G) Recognize the commercial communication requirements of all sectors of the business and residential community.

13-1-3: **DEFINITIONS:** The following words and terms, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise:

**ANTENNA:** A whip (omni-directional antenna), panel (direction antenna), disc (parabolic antenna), or similar device used for transmission and/or reception of radio frequency signals.

**ANTENNA ARRAY:** An antenna array is one or more whips, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antennas (whips), directional antennas (panels), and parabolic antennas (discs). The antenna array does not include the mount as defined herein.

**APPLICANT:** A person or entity with an application before the Village for a permit for a PWSF.

**AGL (ABOVE GROUND LEVEL):** The actual height of the PWSF from the sidewalk level or equivalent established grade to the highest part of the mount or the antenna, whichever is higher.

**CAMOUFLAGE:** A way of painting and mounting a PWSF that requires minimal changes to the host structure in order to accommodate the facility.

**CARRIER:** A company licensed by the Federal Communications Commission (FCC) that provides wireless services. For purposes of this Title, a tower builder shall not be considered a carrier.

**CELL SITE:** A generic term for a PWSF.

**CELLULAR:** A mobile telephone service operating in the eight hundred (800) MHz spectrum.

**CO-APPLICANT:** Any person and/or entity joining with an applicant in an application for a permit for a PWSF, including the owner(s) of the PWSF, owner(s) of the subject property, and any proposed tenant(s) for the PWSF.

**CO-LOCATION:** The use of a common PWSF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of two or more PWSFs on adjacent properties.

**COMMERCIAL MOBILE RADIO SERVICES (CMRS):** Per Section 704 of the Telecommunications Act of 1996, any of several technologies using radio signals at various frequencies to send and receive voice, data, and video. According to the FCC, these services are "functionally equivalent services." Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.

**CONCEAL:** To enclose a PWSF within a natural or man-made feature resulting in the facility being either invisible or made part of the feature enclosing it.

**DESIGN:** The appearance of PWSFs such as their materials, colors, and shape.

**DISGUISE:** To design a PWSF to appear to be something other than a PWSF.

**ELEVATION:** The measurement of height above sea level. Also AMSL, or above mean sea level.

ENHANCED SPECIALIZED MOBILE RADIO (ESMR):	Private land mobile radio with telephone services.
EQUIPMENT CABINET/ EQUIPMENT SHELTER:	An enclosed structure at the base of the mount within which are housed the equipment for the PWSF such as batteries and electrical equipment.
FALL ZONE:	The area on the ground within a prescribed radius from the base of a PWSF. The fall zone is the area within which there might be a potential hazard from falling debris or collapsing material.
FEDERAL COMMUNICATIONS (FCC):	An independent federal agency charged with licensing and regulating wireless communications at the COMMISSION national level.
FUNCTIONALLY EQUIVALENT SERVICES:	Cellular, PCS, Enhanced Specialized Mobile Radio, Specialized Mobile Radio, and Paging. Section 704 of the Telecommunications Act prohibits unreasonable discrimination among functionally equivalent services.
GUYED TOWER:	A monopole or lattice tower that is anchored to the ground or to another surface by diagonal cables.
HEIGHT:	The distance measured from sidewalk level or equivalent grade, which for purposes of this ordinance will be called above ground level (AGL), to the highest point of a PWSF, including the antenna array.
LATTICE TOWER:	A type of mount that is usually ground-mounted and self-supporting with multiple legs and cross-bracing of structural steel.
LICENSED CARRIER:	A company authorized by the FCC to construct and operate a commercial mobile radio services system. A licensed carrier must be identified for every PWSF application.
LOCATION:	The area where a PWSF is located or proposed to be located.
MICROCELL:	Any PWSF that is designed and limited to generate lower power density than that limited by the FCC "Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation".
MITIGATION:	The reduction or elimination of visual impacts by the use of one or more methods: <ol style="list-style-type: none"> <li>1. Concealment.</li> <li>2. Camouflage.</li> <li>3. Disguise.</li> </ol>
MODIFICATION:	The changing of any portion of a PWSF from its description in a previously approved permit. The FCC definitions for "modification" are different than local government rules.
MONOPOLE:	The shape of mount that is self-supporting with a single shaft of wood, steel, or concrete, and antennas at the top and/or along the shaft.

MOUNT:	The structure or surface upon which antennas are mounted, e.g.: <ol style="list-style-type: none"> <li>1. Roof-mounted: Mounted on the roof of a building.</li> <li>2. Side-mounted: Mounted on the side of a building.</li> <li>3. Ground-mounted: Mounted on the ground.</li> <li>4. Structure-mounted: Mounted on a structure other than a building.</li> </ol>
PERSONAL WIRELESS SERVICE FACILITY (PWSF):	Facility for the provision of personal wireless services, as defined by Section 704 of the Telecommunications Act of 1996. A PWSF is any unstaffed facility for the transmission and/or reception of personal wireless services, usually consisting of an antenna array, transmission cables, equipment shelter, and a mount.
PERSONAL WIRELESS SERVICES:	Any personal wireless service defined in the Federal Telecommunications Act which includes FCC licensed commercial wireless telecommunications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging as well as unlicensed wireless services, and common carrier wireless exchange access services.
RADIO FREQUENCY (RF) ENGINEER:	Someone with a background in electrical engineering or microwave engineering who specializes in the study of radio frequencies.
RADIO FREQUENCY RADIATION (RFR):	The emissions from PWSFs that can, in excessive amounts, be harmful to humans. RF emissions are byproducts of the RF signal.
RADIO FREQUENCY (RF) SIGNAL:	The actual beam or radio waves sent and received by a PWSF. A signal is the deliberate product of a PWSF. The RF emission is the byproduct.
SECURITY BARRIER:	A locked, impenetrable wall, fence, or berm that completely seals an area from unauthorized entry or trespass.
SEPARATION:	The distance between one carrier's antenna array and another carrier's antenna array.
SHORT MOUNTS:	Alternatives to monopoles or guyed and lattice towers, such as masts or poles. For example, two poles or three masts might be an alternative to one lattice tower.
SITE:	That portion of a subject property where a PWSF is to be placed. Any acceptable location may have several potential sites within it.
SITING:	The method and form of placement of PWSFs on a specific area of a subject property.
SPECIALIZED MOBILE RADIO SMR (SMR):	A form of dispatch or two-way communication used by companies that rent space or time from an carrier. Used primarily for data, delivery vans, truckers, or taxis within a small, definable geographic area.
STANDARDS:	Rules or measures by which acceptability is determined. PWSFs are measured by standards measuring visibility or safety. Wireless planning tends to regulate PWSFs on three levels: location (or where the PWSF site can go), siting (or how the PWSF is placed within its setting) and design (or what the PWSF looks like).

**TOWER:** A term used as a modifier (e.g., tower builder) or when modified (e.g., lattice tower). For purposes of this Title, a monopole shall not be considered a tower.

**UNLICENSED WIRELESS FCC SERVICES:** Commercial mobile services that can operate on public domain frequencies and therefore need no license for their sites.

**WIRELESS COMMUNICATIONS:** Any form of signaling by wireless, including personal wireless services, that require a transmitter, a receiver, and a path – sometimes straight, sometimes indirect – between them.

**13-1-4: CO-LOCATION REQUIREMENTS:** All PWSFs erected, constructed, or located within the Village shall comply with the following requirements:

- (A) **Tall Mounts Discouraged:** Tall mounts are discouraged in the Village of Morton, and proliferation of short mounts is considered preferable to co-location.
- (B) **Co-Location Discouraged:** Co-location should be discouraged for all PWSF applications.
- (C) **Worst-Case Review:** The Village of Morton shall review applications for co-locations on the basis of all positions on the mount, i.e., the cumulative, worst-case condition.
- (D) **Co-Location Review Includes Entire Facility:** Applications for co-locations on mounts, when they are constructed prior to the effective date of this ordinance, require review of the existing mount as well as co-location under the requirements of this ordinance.
- (E) **Co-Locations Not Previously Reported:** Applications for co-locations on mounts constructed after the effective date of this ordinance, when they did not previously show the proposed co-location, require review of the existing mount as well as co-location under the requirements of this ordinance.
- (F) **Co-Location Heights to be Reduced:** Any proposal to add to an existing tower constructed prior to the effective date of this ordinance, whether built to accommodate future co-location or not, shall not be approved without an overall reduction of height AGL of the existing tower of at least twenty five percent (25%) except that this provision shall not apply to the Village of Morton's water towers. (amd. Ord. 01-38, 2-18-02)

**13-1-5: PRE-EXISTING PERSONAL WIRELESS SERVICE FACILITIES:**

- (A) A PWSF for which a permit has been issued prior to the effective date of this ordinance shall be deemed a permitted use, subject to the conditions of that permit. When an unpermitted PWSF is identified by The Village of Morton to be attached to a mount approved for another use or PWSF, the attached PWSF must apply for a separate permit, even when (i) sharing a legal mount, (ii) already in operation, and (iii) duly licensed by the Federal Communications Commission. The issuance of permit renewals or other new permits for such facilities shall be in accordance with the provisions of this ordinance. Unpermitted PWSFs will be considered out of compliance with this ordinance and subject to abatement.
- (B) If PWSF mounts are hereafter damaged or destroyed due to any reason or cause whatsoever, the mount may be repaired and restored to its former use, location, and physical dimensions upon obtaining a building permit therefor, but without otherwise complying with this section; provided, however, that if the cost of repairing the mount to the former use, physical dimensions, and location would be ten percent (10%) or more of the cost of a new mount of like kind and quality, then the mount may not be repaired or replaced, except in full compliance with this Code.

- (C) Placement of an attached array or a microcell on a legally non-conforming structure shall not be considered an expansion of the non-conforming structure. However, placement of any attached array, microcell, or any other portions of a PWSF on an existing structure, whether legally non-conforming or in, as well as out of, compliance, shall require a permit to be obtained for the PWSF under the terms of this ordinance.
- (D) Unpermitted Facilities, Mounts, or Equipment Ineligible for Co-location: No issuance of any permit under this ordinance shall occur for a request to co-locate, attach, or share an existing PWSF site, mount, or facility, when such existing site, mount, or facility is found to have one or more PWSFs without permits and/or any structure, mount, or facility is found to lack one or more building, electrical, or any other permits required by the Village of Morton and the laws that the Village is authorized to implement and enforce.
- (E) Relationship to Other Ordinances: This ordinance shall supercede conflicting requirements contained in the Village of Morton Zoning Ordinance regarding the siting and permitting of PWSFs, except that in the event of a conflict with provisions of the Peoria Regional Airport Impact Regulations, the more stringent requirement shall apply.

13-1-6: **SPECIFICATION OF LAND USE CLASSIFICATIONS:** PWSFs shall be a permitted use or a special use in all zoning districts, provided that such PWSFs comply with the standards of this ordinance and the permits under which PWSFs are regulated. This provision supercedes any provisions in Title 10 to the contrary.

13-1-7: **TIERED PERMIT PROCESS:**

- (A) It shall be unlawful for any person, firm, or corporation to erect, construct in a place, place or re-erect, replace, or repair any tower without first making application to the Village of Morton and securing a permit under one of the following "tiers".
- (B) The Village of Morton Superintendent of Public Works (SPW) shall receive all PWSF applications and assign each application to one of the following "tiers".
1. Tier One: This tier is limited to applications for a building permit that comply with the following:
    - (a) Place PWSFs on Village-owned streetlights.
    - (b) Meet Village of Morton specifications as developed and on view in the Office of the SPW.
    - (c) Tier One applications need not meet all Location, Siting, Design, and Safety Standards in this ordinance.
  2. Tier Two: These are applications that comply with the following:
    - (a) PWSFs that are proposed for streetlights not owned by the Village of Morton.
    - (b) PWSFs that are proposed for placement on one of the Civil Defense Siren Towers owned by the Village of Morton.
    - (c) PWSFs that are proposed for placement on a church either on a new or rebuilt steeple.
    - (d) PWSFs that are proposed for placement on a building or structure taller than the average in Morton.
    - (e) PWSFs that are proposed for placement on public field lights or private lot (parking or storage) lights.



- (f) PWSFs that are proposed for placement on Interstate signs.
  - (g) PWSFs that are proposed for placement on traffic signals.
  - (h) Tier Two applications shall meet all Location, Siting, Design, and Safety Standards in this ordinance.
  - (i) Maps are available at the Village of Morton showing facilities as described above.
3. Tier Three: All applications that do not qualify as either Tier One or Tier Two shall be considered Tier Three applications for special use permits.
- (a) Tier Three applications shall meet all Location, Siting, Design, and Safety Standards in this ordinance.
  - (b) Special use permits shall be reviewed, approved, or denied as provided for in the Morton Zoning Ordinance Section 10-10-2.
  - (c) Notwithstanding the foregoing, Tier Three applications on property owned by the Village of Morton shall not be subject to the special use process, nor shall they be subject to location, siting or design standards in this ordinance. They shall be subject to all safety standards. (amd. Ord. 11-05, 5-2-11)

(C) Process of Review, Approval, or Denial.

1. Tier One Review and Approval/Reassignment to Tier Two: All Tier One applications shall meet the SPW's specifications and shall be reviewed by the SPW for administrative approval of a building permit.
  - (a) Review and direct the Zoning Officer to grant a building permit.
  - (b) Review and direct the Zoning Officer to reassign the application for a Tier Two review.
2. Tier Two Review and Approval/Denial: The SPW shall review (or cause the Zoning Officer to review) Tier Two applications. The SPW shall act on Tier Two applications in one of the following ways:
  - (a) Review and make recommendations to the applicant for filing a modified request.
  - (b) Review the request and direct the Zoning Officer to grant a building permit.
  - (c) Review and deny the request.
  - (d) Prepare a report on the application and the denial for the Board of Trustees.
3. Tier Three Review and Recommendation to the Village of Morton Plan Commission and Board of Trustees for Approval/Denial: All Tier Three applications shall be reviewed by the SPW for a special use permit. The SPW shall prepare a report to the Plan Commission. The Plan Commission shall act on these applications in accordance with Morton Zoning Ordinance Section 10-10-2 by preparing written recommendations to the Village of Morton Board of Trustees for one of the following:
  - (a) Review and recommend special use permit.
  - (b) Review and recommend special use permit with conditions.
  - (c) Review and recommend denial of special use permit.

(d) All recommendations of the Plan Commission shall be forwarded to the Board of Trustees for final action. The Board of Trustees may accept, deny, or modify the Plan Commission recommendation.

4. All decisions resulting in approvals or disapprovals by the Plan Commission and Board of Trustees shall be in writing and supported by findings of fact and conclusions of law based upon competent substantial evidence in the record.

(D) Special Provisions for Omni Directional Antenna/Vertical Sector Panel:

1. An omni directional antenna may be placed on any Tier One or Tier Two structure, provided that its diameter does not exceed three inches (3") at its widest point and it does not exceed ten feet (10') in length. Three vertical sector panels may be placed on any Tier One or Tier Two structure, provided they meet the following specifications: twenty one and one half inches (21 1/2") long, seven inches (7") wide and three inches (3") deep.
2. Any equipment cabinet/equipment shelter installed in conjunction with the omni directional antenna or vertical sector panel must meet all applicable ordinances.
3. An omni directional antenna or vertical sector panel installed on a Tier Two structure does not have to meet the location, sitting, or design and safety standards. (amd. Ord. 02-18, 9-3-02)

13-1-8: **STANDARDS:** The approval of any PWSF, other than Tier One applications, shall be subject to meeting or exceeding the following standards:

(A) Location Standards:

1. Opportunity Sites: A PWSF should be located at an opportunity site. Opportunity sites are as follows:
  - (a) Rooftops on any building other than single family dwellings.
  - (b) Utility poles, including telephone poles, utility distribution and transmission poles, treetlights (not owned by the Village of Morton), and traffic signal stanchions.
  - (c) Other kinds of poles, including Civil Defense mounts, public field light standards, and private parking or storage lot light standards.
  - (d) Wooded areas.
  - (e) Steeples on churches already having steeples or on newly constructed steeples.
  - (f) Interstate "high" signs, already subject to permit by the Village of Morton.
2. Avoidance Areas: A PWSF should not be located in an Avoidance Area. Avoidance Areas are as follows:
  - (a) Flood-prone areas, as mapped by the Federal Emergency Management Agency on a Flood Insurance Rate Map.
  - (b) Wetlands, water bodies, and watercourses, as mapped by the Illinois Department of Natural Resources.
  - (c) Visual corridors, as mapped by the Village of Morton.

3. These location standards shall be considered directory but not mandatory. Interpretation of opportunity sites and avoidance areas shall be based on the Village of Morton Geographic Information System (GIS) or maps.
4. PWSFs may also be permitted in areas that are not opportunity sites, subject to the following siting, design, and safety standards, and permitted in avoidance areas, subject to the following siting, design, and safety standards.
5. These standards apply regardless of radio frequency (RF) engineering considerations.

(B) Siting Standards: PWSFs should meet the following siting standards. These standards are directory, not mandatory.

1. To the greatest extent possible, PWSFs should be concealed within existing structures or where camouflaged conditions surround them, or on inconspicuous mounts.
2. Placement within trees should be encouraged, but no antennas should extend higher than ten (10) feet above the average tree height.
3. Placement on existing roofs or non-wireless structures should be favored over ground-mounted PWSFs.
4. Roof-mounted PWSFs should not project more than ten (10) additional feet above the height of a legal building, but in no event above the height limit of the zoning district within which the PWSF is located.
5. Side-mounted PWSFs should not project more than twenty (20) inches from the face of the mounting structure.
6. These standards apply regardless of RF engineering considerations.

(C) Design Standards: PWSFs should meet the following design standards. These standards are directory, not mandatory.

1. Color: All PWSFs should be painted or complementary with natural tones (including trees and sky).
2. Size: The silhouette of the PWSF should be reduced to the minimum visual impact.
3. PWSFs near residences should either:
  - (a) Provide underground vaults for equipment shelters, or
  - (b) Place equipment shelters within enclosed structures approved by the Village of Morton.
4. Equipment: The following types of equipment should be discouraged:
  - (a) Roof-mounted monopoles, lattice towers, or guyed towers.
  - (b) Ground-mounted lattice towers.
  - (c) Ground-mounted guyed towers.
  - (d) Metal towers shall be constructed of, or treated with, corrosive resistant material. Wood poles shall be impregnated with rot-resistant substances.

5. Height should be kept to a minimum:

- (a) Height of PWSFs should be no greater than the uppermost height of nearby structures within three hundred (300) horizontal feet (when measured on the ground), regardless of prevailing height limits in the zoning district.
- (b) In the event there are no nearby buildings within three hundred (300) horizontal feet (when measured on the ground) of the proposed site of the PWSF, the following should apply:
  - 1. All ground-mounted PWSFs (including the security barrier) should be surrounded by nearby dense tree growth for a radius of twenty (20) horizontal feet (when trunk centerlines are measured on the ground) from the PWSF in any direction. These trees can be existing on the subject property or installed to meet the twenty (20) foot requirement as part of the proposed PWSF, or they can be a combination of both.
  - 2. Ground-mounted PWSFs should not project more than ten (10) feet above the average tree height.

6. These standards apply regardless of RF engineering considerations.

(D) Safety Standards: PWSFs should meet the following safety standards. These standards are directory, not mandatory.

- 1. Tornado design standards should be those of the building code used in the Village of Morton or EIA-TIA 222 (latest version), whichever is stricter.
- 2. Roof mounts on buildings should have railings to protect workers.
- 3. All transmission cables and cable trays deployed horizontally above the ground between a mount and a structure, or between mounts, shall be at least eight (8) feet above the ground at all points unless buried underground.
- 4. All construction of PWSFs shall be in compliance with the National Electrical Code.

13-1-9: **FALL ZONE; SETBACK REQUIREMENTS:**

(A) Fall Zone: No habitable structure or outdoor area where people congregate should be within a fall zone of the height of the PWSF except on property owned by the Village of Morton. This provision shall apply only to Tier Three applications.

(B) Setback, except on property owned by the Village of Morton that is adjacent to property with no structures within the Fall Zone area: (amd. Ord. 10-37, 3-21-11)

- 1. All PWSFs, including mounts and equipment shelters, shall comply with the minimum setback requirements of the applicable zoning district as set forth in the Village of Morton Zoning Ordinance. In addition, mounts shall be located on the lot in such a manner that in the event of a collapse, the structure and supporting devices shall be contained within the confines of the property lines.
- 2. Structural elements such as peripheral anchors, guy wires, or other supporting devices shall be located no closer than ten feet (10') to any property line.
- 3. The antenna array for an attached PWSF is exempt from the setback requirements of this ordinance and from the setback for the zoning district in which they are located, provided that no such antenna array shall extend more than five feet (5') horizontally from the attachment structure at the point of attachment.

4. On parcels with a principal building housing a principal use, all components of the PWSF shall be located behind the main building line.

5. No portion of any PWSF shall project into a required setback more than the maximum projection permitted in the zoning district in which the facility is located.

13-1-10: **FEES:** The Village shall have the right to properly plan for and evaluate applications for PWSFs and to charge reasonable fees for such services to the applicant. Such fees shall include, but shall not be limited to, the following:

- (A) **Application Fee:** The Village staff shall evaluate each application on a case-by-case basis. The application fee shall include, but shall not be limited to, the cost for Village staff to properly evaluate applications for PWSFs. The application fee shall be equally applied to all applications. The basic application fee shall be one thousand dollars (\$1,000.00). (amd. Ord. 00-16, 7-6-00)
- (B) **Special Fee:** The Village shall have the right to retain independent technical consultants and experts that it deems necessary to properly evaluate applications for individual PWSFs. The special fee shall include, but shall not be limited to, the hourly rate of the independent technical consultant or expert the Village deems necessary to properly evaluate applications for PWSFs. The special fee shall be applied to those applications requiring special review or evaluation.
- (C) **General Fee:** The Village has retained independent consultants and experts on wireless planning and may retain future independent consultants and experts to assist Village staff with proper planning for PWSFs. The general fee shall include, but shall not be limited to, the pro-rated share for each applicant of such costs for the independent consultants and experts and for Village staff. The general fee shall be pro-rated among all applications on an equal basis. The general fee shall be one thousand dollars (\$1,000.00) per application. (amd Ord. 00-23, 8-7-00)
- (D) **Right of Way Management Fee:** Any applicant that utilizes the right of way of the Village shall pay an annual management fee of thirty dollars (\$30.00) for each PWSF. This shall be paid on the first day of the month during which its application is granted and each anniversary thereafter. (amd. Ord. 00-16, 7-6-00)
- (E) **Annual Registration Fee:** There shall be an annual registration fee of one hundred dollars (\$100.00) payable at the beginning of the date of approval and each anniversary date thereafter. (amd. Ord. 00-23, 8-7-00)

13-1-11: **ALTERNATIVES ANALYSIS AND COMPARISON:** Each Tier Three application for a PWSF should also contain at least two alternatives that differ from the PWSF proposed in the application.

- (A) **Differences:** The alternatives need not be totally different from the proposed PWSF; however, the alternatives should contain measurable differences, such as:
  1. **Height:** An alternative can be identical to the proposed PWSF except to be for a shorter height.
  2. **Number:** An alternative could be for two (2) or more PWSFs that are shorter than the proposed PWSF.
  3. **Location:** An alternative could be located on a different property than the proposed PWSF.
  4. **Siting:** An alternative could be in a different place on the same property as the proposed PWSF.

5. Design: An alternative could be of the same height, location, and siting as the proposed PWSF, but be designed to appear differently.
- (B) Submittal Requirements for Alternatives: The materials submitted for each alternative should show only the differences between each of the alternatives and the proposed PWSF.
- (C) Comparison of PWSF and Alternatives: The Village of Morton SPW shall compare the proposed PWSF to the alternatives on the basis of the following:
1. Change in community scale, as exhibited in relative height, mass, or proportion of the PWSF within its proposed surroundings.
  2. New visible elements proposed on a contrasting background.
  3. Different colors and textures proposed against a contrasting background.
  4. Use of materials that are foreign to the existing built environment.
  5. Conservation of opportunities to maintain community scale, not compromising buffering areas and low-lying buildings so as to start a trend away from the existing community scale.
  6. Amount and diversity of landscaping and/or natural vegetation.
  7. Preservation of view corridors, vistas, and viewsheds.
  8. Continuation of existing colors, textures, and materials.
- (D) Ranking of Proposed PWSF and Alternatives: The SPW shall rank the proposed PWSF and each alternative based on the criteria listed in Section 13-1-10 (C). The SPW shall submit each application, the alternatives, and the rankings to the Plan Commission for review. The Plan Commission shall consider the alternatives along with the proposed PWSF.
- 13-1-12: **MODIFICATIONS:** The Village of Morton shall require the review and approval of all modifications to PWSFs.
- (A) Types of Modification: A modification of a PWSF is any of the following:
1. Change of ownership of the PWSF or of the subject property.
  2. Change in technology used for the PWSF, such as an “overlay”.
  3. Addition or replacement of any equipment in the PWSF, excluding direct, like-for-like substitutions.
  4. Change in design of the PWSF.
  5. Addition to any PWSF for the purposes of co-location.
- (B) Applicants for modifications shall submit an application to the Village for a modified PWSF. The application shall be treated in the same manner as any application for a PWSF.

**13-1-13: REGISTRY; MONITORING; INSPECTION; ABANDONMENT; OBSOLESCENCE:**

- (A) Registry: Each carrier shall file the following information with the Village on an annual basis, beginning with the date of approval.
1. Owner/lessee/intermediary/agent and carrier(s) at the site.
  2. Location by latitude and longitude, addresses, and parcel numbers.
  3. Height, AGL.
  4. Co-location status and capability (including if a former co-location has been removed).
  5. Last date at which site was modified and the nature of the modification.
  6. A list of toxic/hazardous materials at the PWSF (including in the equipment shelter).
  7. Instructions for emergency personnel on the approach action to be taken in case of an emergency involving any toxic/hazardous substances.
  8. The name and telephone number of a representative of the carrier to be contacted in the event of any emergency at the PWSF site. The contact representative is to be available on a twenty four (24) hour a day, seven (7) days a week basis.
  9. A site monitoring schedule indicating how often the site is inspected and monitored by the carrier.
  10. A ground maintenance schedule indicating how often the grounds are maintained and the name and telephone number of a representative of the carrier to be contacted in the event the grounds require service before the next scheduled maintenance.
- (B) Inspection: The owner or operator of a PWSF shall provide for and conduct an inspection of mounts at least once every five (5) years. A report shall be provided to the Village of Morton SPW verifying structural integrity and tenants on the mounts as a part of the requirements provided for in this ordinance. If the report indicates that repair is needed, same shall be accomplished as soon as reasonably practical, but in no event more than sixty (60) days after.
- (C) Abandonment and Removal: Any PWSF that is not operated for a continuous period of eighteen (18) months shall be considered abandoned, and the owner of such PWSF shall remove same within ninety (90) days of notice to the Village of Morton SPW that the PWSF is abandoned. If such PWSF is not removed within said ninety (90) days, the Village of Morton may have the PWSF removed at the PWSF owner's expense.
- (D) Hazardous Materials: A PWSF shall be registered under the County of Tazewell Hazardous Materials Management Ordinance if petroleum products are used to fuel power supplies or any toxins are contained in equipment cabinets or shelters or alternative power sources.

**13-1-14: RADIO FREQUENCY RADIATION EMISSIONS:**

- (A) A statement certifying that, as proposed, the entire combined facility will comply with the current FCC rules and guidelines concerning human exposure to radio frequency radiation emissions (FCC Guidelines) shall be provided at the time of building permit application or when the request is made.
- (B) No Contravention of FCC Guidelines: A PWSF that meets the FCC guidelines shall not be conditioned or denied on the basis of radio frequency impacts.

- (C) Since PWSFs are required by the FCC to be in compliance with FCC Guidelines at all times, as those FCC Guidelines are changed, a statement certifying compliance for each PWSF shall be filed with the Village of Morton within thirty (30) days of a compliance determination, and no more than ninety (90) days beyond the effective date of an FCC Guideline change.

13-1-15: **NOISE:** No equipment shall be operated at a PWSF so as to produce noise in excess of the applicable noise standards under the Village of Morton Noise Ordinance, except for emergency situations requiring the use of a back-up generator, where the noise standards may be exceeded on a temporary basis until such emergency has passed.

13-1-16 **LIGHTING; SECURITY:**

- (A) Lighting: A PWSF shall not be artificially lighted, except for:

1. Security and safety lighting of equipment buildings if such lighting is appropriately down-shielded to keep light within the boundaries of the site; and
2. Such lighting of the PWSF as may be required by the FCC, Federal Aviation Administration (FAA), or other applicable authority installed in a manner to minimize impacts on adjacent residences. "Dual lighting" (red at night/strobe during day) shall be utilized unless otherwise recommended by FAA guidelines.

- (B) Security Barriers: A security barrier shall be required around the perimeter of the mount(s) or equipment structure, and any anchor points. In the case of a roof-mounted PWSF, the security barrier need only be around the antenna. The security barrier shall be maintained by the operator of the PWSF or mount for the life of the installation. No security barrier is needed around side-mounted PWSFs, but distances from windows and balconies should conform to Section 13-1-15 (C) 2 below.

- (C) Security Barriers for Certain Populations: The security barriers around all PWSFs shall be reviewed by the SPW and found to be acceptable for:

1. Controlled Population: Those persons who are trained in procedures for working near or around radio frequency radiation.
2. General Population: All other persons, some of whom have no concept of what radio frequency radiation is or how it can cause harm. Members of the general population should not be allowed nearer than ten (10) meters to the nearest part of an antenna.

13-1-17: **SIGNS/IDENTIFICATION PLAQUES:** No signage shall be permitted on any PWSF other than that required for public safety purposes or by the FCC or FAA, except that each PWSF shall have a weather-proof plaque mounted at eye level identifying the carrier, frequency, and date of permit approval.

13-1-18: **SCREENING; LANDSCAPING:**

- (A) Natural Vegetation: Existing natural vegetation shall be undisturbed to the greatest extent practicable.



- (B) Landscaping: Landscaping of disturbed areas of the PWSF site and security barriers shall be required as follows:
1. At least one row of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting shall be spaced not more than five feet (5') apart within fifteen feet (15') of the site boundary; and
  2. At least one row of evergreen trees or shrubs, at least four feet (4') in height when planted and spaced not more than fifteen feet (15') apart, located interior to the perimeter of the shrubs required in Section 13-1-18 (B) 1 above; and
  3. For ground mounts greater than two hundred feet (200') tall, at least one row of deciduous trees, not less than one and one half inches (1-1/2") diameter measured three feet (3') above grade, and spaced not more than twenty feet (20') apart, and located within the perimeter of the evergreen trees or shrubs required in Section 13-1-18 (B) 2 above.
  4. All security barriers for guy wire anchor points shall be screened from view by at least one (1) row of evergreen shrubs spaced not more than five feet (5') apart and capable of forming a continuous hedge at least five feet (5') in height within two (2) years of planting.
  5. Existing vegetation, topography, walls and fences combined with shrubs, or other features may be substituted for the required buffers if the SPW finds they:
    - (a) Achieve the same degree of screening as the required buffer; or
    - (b) Affect the stability, security, or maintenance of guy wires.
  6. Landscaping materials shall be maintained by the operator of the PWSF for the life of the installation.
- (C) Waiver by SPW: The above standards may be waived by the SPW for those property lines or site boundary lines of a proposed PWSF that are located adjacent to undevelopable lands, for PWSF sites not in public view, or for PWSF sites located within areas designated for industrial land use by the Village of Morton Comprehensive Plan.

13-1-19: **ACCESS; PARKING:**

- (A) Parking: Areas sufficient for the temporary off-street parking of at least one (1) vehicle shall be provided for mounts. The type and configuration of parking may be approved by the SPW.
- (B) Private Access: A copy shall be provided to the Village of Morton Zoning Officer of any road maintenance agreement for any site accessed by private easement.

13-1-20: **AIRCRAFT HAZARD:**

- (A) Airport Impact Zoning: For Tier Two or Tier Three applications, a statement certifying that, as proposed, the PWSF complies with the Peoria Regional Airport impact regulations shall be provided prior to special use permit approval.
- (B) FAA Acknowledgement: For Tier Two or Tier Three applications, the applicant shall provide acknowledgment from the FAA that the proposed PWSF does not exceed obstruction standards.

13-1-21: **REVIEW OF PERMIT:** Special use permits issued under the terms of this ordinance shall be reviewed by the Village of Morton Zoning Officer every five (5) years from the date of issuance for compliance with this ordinance and any special terms or conditions of approval. Such permits are subject to suspension or revocation at any time if it is determined that the terms of the permit and any conditions contained therein, or any rules or regulations adopted by the state or federal government concerning the use of such facilities, are being violated.

**13-1-22: INTERFERENCE WITH PUBLIC SAFETY TELECOMMUNICATIONS:**

- (A) No new or existing PWSF shall interfere with public safety telecommunications. All applications for new PWSFs shall be accompanied by an intermodulation study that provides a technical evaluation of existing and proposed transmissions and indicates all potential interference problems.
- (B) An intermodulation study shall also be submitted prior to the introduction of new services or new frequencies or changes in existing service. The Village of Morton shall be notified by the service provider at least ten (10) days prior to the introduction of new services or new frequencies or changes in existing service and allow the Village to monitor interference levels during the testing process for the intermodulation study.
- (C) The Village of Morton reserves the right to retain its own expert to study potential interference impacts. The cost of such an expert would be recovered under the provisions of Section 13-1-10 (B) of this ordinance.

**13-1-23: CONFLICT; SEVERABILITY CLAUSE:**

- (A) If any portion of this Code is found to be in conflict with any other provision of any zoning, building, fire safety, or other ordinance of the Village Municipal Code, the provision which establishes the higher standard shall prevail.
- (B) 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 been included.

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