

**CITY OF MORRIS
GRUNDY COUNTY, ILLINOIS**

ORDINANCE NO. 4440

**ORDINANCE AMENDING CHAPTER 5.04 AND CHAPTER 8.28 OF THE MORRIS
MUNICIPAL CODE REGULATING BUSINESS LICENSES, PERMITS AND FIREWORKS
WITHIN THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS**

**PASSED AND APPROVED BY THE MAYOR AND ALDERMEN
OF THE CITY OF MORRIS, THIS 17TH DAY OF MAY, 2021**

**Published in Pamphlet Form by
The authority of the Mayor and
Aldermen of the City of Morris,
Grundy County, Illinois,
This 17th day of May, 2021**

**Prepared by:
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Wheeler and Dearth Law Firm
305 E. North Street
Morris, IL 60450**

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WITHIN THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS**

WHEREAS, the City of Morris is authorized to regulate business licenses and permits within the Morris Municipal Code; and

WHEREAS, the City of Morris Judicial & License Committee has recommended adoption of the Ordinance amending the Morris Municipal Code regarding Ordinance amending Chapter 5.04 and Chapter 8.28 of the Morris Municipal Code regulating business licenses, permits and fireworks within the City of Morris, Grundy County, Illinois; and

WHEREAS, the City of Morris is authorized to pass and enforce all necessary all necessary police Ordinances (*65 ILCS 5/11-1-1*); and

WHEREAS, it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects, or consumer fireworks pursuant to the Illinois Pyrotechnic Act (*425 ILCS 35/2*); and

WHEREAS, the City of Morris is authorized to regulate and prevent the use of fireworks (*65 ILCS 5/11-8-4*); and

WHEREAS, the Morris City Council has determined that creation and amendments through Ordinance regulating business licenses and permits is necessary and in the best interest of the health, safety and welfare of the residents of the City of Morris.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS.

Section 1. That the above recitals constitute the findings of the Morris City Council and are hereby restated and incorporated into the body of this Ordinance as though fully set forth herein.

Section 2. That Chapter 5.04, Section .010 of the Morris Municipal Code is hereby amended and shall hereafter read as follows:

5.04.010 – Definitions.

For the purpose of this Chapter, each of the following terms shall have the meaning herein ascribed to it:

"Business" means any occupation, profession, establishment, concern or enterprise conducted for profit at a fixed location except those occupations or professions licensed exclusively by the State of Illinois or instrumentally thereof.

"License" means an authorization to conduct or operate a business or occupation within the City of Morris.

"Peddler or solicitor" shall be defined herein as set forth in Chapter 5.60 of the Morris Municipal Code and a peddler or solicitor shall be regulated pursuant to such chapter. A peddler or solicitor is expressly excluded from the definition of a vendor.

"Permit" means a temporary authorization to conduct or operate an establishment, concern or enterprise as a vendor within the City of Morris.

"Special event" shall be defined herein as, Girls Night Out, 3 French Hens Country Market, Concerts on the Courthouse Lawn, Brown Bag Friday, Gus Macker, Cruise Nights, Dulcimer Festival, Liberty Days, Corn Festival, Downtown Trick or Treat, Home for the Holidays and Midnight in Morris, or such other community events held in the downtown business district. The downtown business district shall be defined as the Illinois River on the south, the CSX Railroad on the north, Franklin Street on the east and Wauponsee Street on the west.

"Special event organizer's permit" means a permit issued to the person, firm, organization, or other entity hosting or organizing any special event as defined by the City of Morris Municipal Code.

"Special event vendor permit" means a temporary authorization to conduct or operate an establishment, concern or enterprise as a vendor within the City of Morris during the course of any special event. A special event vendor permit shall be issued before each special event, and any such special event vendor permit shall be valid only during the course of the special event for which it was issued.

"Vendor" means any establishment, concern or enterprise which is conducted on a temporary basis from a vehicle, trailer, open-air environment, or other nonpermanent structure which is movable or otherwise transportable, but which conducts business from a fixed location in the City of Morris. Vendor shall not be considered a "mobile food vendor" as defined in Section 5.60.010 of the City of Morris Municipal Code.

Section 3. That Chapter 5.04, Section .030, of the Morris Municipal Code is hereby amended and shall hereafter read as follows:

5.04.030. - Permit required.

No vendor, person, firm or corporation shall engage in the sale of retail goods or products on public or private property within the corporate limits of the City of Morris, unless the property is owned by, or leased by the business owner and used for the sale of the same or similar type of merchandise. Except as set forth above, a permit shall be required for the purpose of sale of retail goods and products which may include, but is not limited to, shoes, watches, clothing or other personal products, paintings or artwork, flags, motorized and nonmotorized scooters or other similar devices, furniture, sunglasses or other goods or products.

Section 4. That Chapter 5.04, Section .050, paragraph (B) of the Morris Municipal Code is hereby amended and shall hereafter read as follows:

5.04.050 (B). - Application fee.

B. Permit fee. A fee of five hundred dollars shall accompany each permit application. If the application is approved, the permit shall be valid for three days, starting on a date requested by the applicant and approved by the City.

Section 5. That Chapter 8.28 of the Morris Municipal Code is hereby amended in its entirety and shall hereafter read as follows:

CHAPTER 8.28 – FIREWORKS

8.28.010. – Definitions

"Consumer Fireworks" means those fireworks that must comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Products Safety Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and classified as fireworks UN0336 or UN0337 by the United States Department of Transportation under 49 C.F.R. 172.101. "Consumer fireworks" shall not include 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; toy pistols, toy canes, toy

guns, or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture; the sale and use of which shall be permitted at all times.

8.28.020. – Regulations – Permit Required When

- A. It is unlawful to store, discharge or set off any fireworks or give any pyrotechnic displays in the city except as provided in Subsection B of this section.
- B. No public exhibition of fireworks or pyrotechnics shall be given unless a permit is first obtained from the City Council. All such public displays shall be under the supervision of a competent person and shall be supervised by the fire marshal or building and zoning officer.

8.28.030. – Sale and possession of Fireworks Prohibited

It shall be unlawful for any person, firm, partnership, association or corporation to manufacture, sell, offer for sale, possess or give away any Consumer fireworks, as defined herein, within the corporate limits of the City of Morris at any time.

8.28.040 – Violation – Penalty

Any person, firm or corporation violating any provision of this chapter shall be fined not less than one hundred dollars, nor more than seven hundred fifty dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Whenever a monetary fine is assessed by the court pursuant to this Code, the court is further expressly authorized by the City of Morris to use dispositions including, but not limited to, court supervision, deferred judgment, conditional discharge, and suspended sentence.

Section 6. This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law.


PASSED AND APPROVED THIS 17TH DAY OF MAY, 2021.

Ayes	<u>8</u>
Nays	<u>0</u>
Pass	<u>0</u>
Absent	<u>0</u>


CHRISTOPHER D. BROWN, Mayor

(SEAL)

ATTEST:



LORI WERDEN, City Clerk

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