

**CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS**

ORDINANCE NO. 491

**AN ORDINANCE AMENDING CHAPTER 6 - WATER SERVICE, SECTION 6.29(a), CHAPTER
7 - SEWERS, SECTION 2, ARTICLE III, PART 3, AND
CHAPTER 8 - REFUSE COLLECTION, SECTION 8.06, all of
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (as amended)**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LEROY THIS **15th** DAY OF **MARCH, 1993.**

PRESENTED: March 15, 1993

PASSED: March 15, 1993

APPROVED: March 15, 1993

RECORDED: March 15, 1993

PUBLISHED: March 15, 1993

In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

The undersigned being the duly qualified and acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned ordinance and that such ordinance was presented, passed, approved, recorded and published as above stated.

(SEAL)

X *Jeanita Angley*
City Clerk of the City of LeRoy, McLean
County, Illinois

Dated: March 15, 1993.

ORDINANCE NO. 491

AN ORDINANCE AMENDING CHAPTER 6 - WATER SERVICE, SECTION 6.29(a), CHAPTER 7 - SEWERS, SECTION 2, ARTICLE III, PART 3, AND CHAPTER 8 - REFUSE COLLECTION, SECTION 8.06, all of MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (as amended)

WHEREAS, the Mayor and City Council of the City of LeRoy, McLean County, Illinois, an Illinois Municipal Corporation, have determined that it is in the best interests of the residents of the City of LeRoy to amend the ordinances regarding regulation of the city water system, sewer system, and garbage collection,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of LeRoy, McLean County, Illinois, in lawful meeting assembled, as follows:

SECTION 1. Chapter 6, Water Service, Section 6.29, Municipal Code of LeRoy, Illinois, 1975 (as amended), is hereby amended by repealing Section 6.29(a) of said chapter.

SECTION 2. New Section 6.29(a) of Chapter 6 - Water Service, Municipal Code of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follows:

"(a). In the event charges for water service become delinquent and are not paid in accordance with the provisions of this chapter, any delinquent charge for water service to any premises served by the city water system shall constitute a lien upon the premises to which such water services were supplied. In order to establish a lien upon the premises, as aforesaid, the City Clerk shall send to the owner or owners of record, as referenced by the taxpayer's identification number, of the real estate served by the City water system (i) a copy of each delinquency notice sent to the person or persons delinquent in paying the charges or rates, or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent, and (ii) a notice that unpaid charges or rates may create a lien on the real estate served by the City water system. After sending the required notices, as aforesaid, the City Clerk is hereby authorized and directed to cause sworn statements showing such delinquencies to be filed in the Office of the Recorder of Deeds of McLean County, Illinois, from time to time, establishing as a matter of record as to such real estate the delinquency of the payment for water services. Said statement may also be signed and filed by the City Clerk or by the city attorney at the direction of the City Clerk. Such statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City of LeRoy claims a lien for this amount, as well as for all charges for water service subsequent to the period covered by the bill. The filing of such statement shall be deemed notice for the payment of such charges and for water service and penalties for late payment. The City Clerk shall cause a copy of the notice of the lien to be sent to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number. Upon payment of the costs and expenses by the owner or persons interested in such property, and upon payment of the recording fee paid to the Recorder of Deeds to record the notice of lien, the lien shall be

released by the City, in writing, which release shall be forwarded to the owner or occupant against whose name the lien was filed, and who shall be responsible for bearing the recording fee to record the release of the lien.

SECTION 3. Chapter 7, SEWERS, Municipal Code of LeRoy, Illinois, 1975 (as amended) is hereby amended by repealing Section 2, Article III of Part 3, of said chapter, and by repealing said Section 2 of Article III, Part 3 of Ordinance 97, being Section 2, Article III, Part 3, of Chapter 7, SEWERS, Municipal Code of LeRoy, Illinois, 1975 (as amended).

SECTION 4. New Section 2, Article III, Part 3, Ordinance 97, also being Section 2, Article III, Part 3, of Chapter 7, SEWERS, Municipal Code of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follows:

Section 2. LIEN NOTICE OF DELINQUENCY: Whenever a bill for sewer services remains unpaid for thirty (30) days after it has been rendered, the same shall be deemed delinquent and not paid in accordance with the provisions of this chapter. Any delinquent charge for sewer service to any premises served by the City sewer system shall constitute a lien upon the premises to which such sewer services were supplied. In order to establish a lien upon the premises as aforesaid, the City Clerk shall send to the owner or owners of record, as referenced by the taxpayer's identification number, of the real estate served by the city sewer system (i) a copy of each delinquency notice sent to the person or persons delinquent in paying the charges or rates or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent, and (ii) a notice that unpaid charges or rates may create a lien on the real estate served by the City sewer system. After sending the required notices, as aforesaid, the City Clerk is hereby authorized and directed to cause sworn statements showing such delinquencies to be filed in the Office of the Recorder of Deeds of McLean County, Illinois, from time to time establishing as a matter of record as to such real estate the delinquency of the payment for sewer services. Said statement may also be signed and filed by the City Clerk or by the city attorney at the direction of the City Clerk. Such statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City of LeRoy claims a lien for this amount, as well as for all charges for sewer service subsequent to the period covered by the bill. The filing of such statement shall be deemed notice for the payment of such charges and for sewer service and penalties for late payment. The City Clerk shall cause a copy of the notice of the lien to be sent to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number. Upon payment of the costs and expenses by the owner or persons interested in such property, and upon payment of the recording fee paid to the Recorder of Deeds to record the notice of lien, the lien shall be released by the City, in writing, which release shall be forwarded to the owner or occupant against whose name the lien was filed, and who shall be responsible for bearing the recording fee to record the release of the lien.

SECTION 5. Chapter 8, REFUSE COLLECTION, Section 8.06 f., Municipal Code of LeRoy, Illinois, 1975 (as amended), is hereby amended by repealing said Section 8.06 f.

SECTION 6. New Section 8.06 f., Chapter 8, Refuse Collection, Municipal Code of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follows:

" Section 8.06 f. The City, by determination of the Director of Public Works, may refuse to continue refuse collection service to any customer when the payment for the bill for such service is two months delinquent. As provided under the laws of the State of Illinois, City may remove garbage or debris from the premises of any owner, occupant, or refuse collection customer within the City, even when the aforesaid is delinquent, and City may collect from such owner of the real estate, from which the garbage and debris was removed, the reasonable cost thereof. In the event charges for refuse collection and disposal service become delinquent and are not paid in accordance with the provisions of this chapter, any delinquent charge for refuse collection and disposal services to any premises served by the City refuse collection and disposal service (whether the same is operated by the City or by an independent contractor) shall constitute a lien upon the premises to which such refuse collection and disposal services were supplied. This cost shall be a lien upon the real estate affected if, within sixty (60) days after such expense is incurred, City shall cause notice of lien to be filed in the Office of the Recorder of Deeds of McLean County, Illinois. In order to establish a lien upon the premises, as aforesaid, the City Clerk shall send to the owner or owners of record, as referenced by the taxpayer's identification number, of the real estate served by the City refuse collection system (i) a copy of each delinquency notice sent to the person or persons delinquent in paying the charges or rates, or other notice sufficient to inform the owner or owners of record, as referenced by the taxpayer's identification number, that the charges or rates have become delinquent, and (ii) a notice that unpaid charges or rates may create a lien on the real estate served by the City refuse collection system. After sending the required notices, as aforesaid, the City Clerk is hereby authorized and directed to cause sworn statements showing such delinquencies to be filed in the Office of the Recorder of Deeds of McLean County, Illinois, from time to time establishing as a matter of record as to such real estate the delinquency of the payment for refuse collection and disposal services. Said statement may also be signed and filed by the City Clerk or by the city attorney at the direction of the City Clerk. Such statement shall contain the legal description of the premises served, the amount of the unpaid bill, and a notice that the City of LeRoy claims a lien for this amount, as well as for all charges for refuse collection and disposal service subsequent to the period covered by the bill. The filing of such statement shall be deemed notice for the payment of such charges and for refuse collection and disposal service and penalties for late payment. The City Clerk shall cause a copy of the notice of the lien to be sent to the owner or owners of record of the real estate, as referenced by the taxpayer's identification number." Upon payment of the costs and expenses by the owner or persons interested in such property, and upon payment of the recording fee paid to the Recorder of Deeds to record the notice of lien, the lien shall be released by the City, in writing, which release shall be forwarded to the owner or occupant against whose name the lien was filed, and who shall be responsible for bearing the recording fee to record the release of the lien.

Section 7. This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as required by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by _____
Gary Builta, seconded by _____ William Swindle _____, by roll call vote on the 15th
day of _____ March _____, **1993**, as follows:

Aldermen elected _____ 6 _____ Aldermen present _____ 5 _____

VOTING AYE:

William Swindle, Gary Builta, Randy Zimmerman, Robert D. Johnson, Jerry Davis
(full names)

VOTING NAY:

None
(full names)

ABSENT, ABSTAIN, OTHER:

David Spratt absent
(full names)

and deposited and filed in the office of the City Clerk in said municipality on the **15th** day of
March, 1993.

Juanita Dagley
Juanita Dagley, City Clerk of the City of LeRoy,
McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this **15th** day of **March, 1993.**

Jerry C. Davis
Jerry C. Davis, Mayor of the City of LeRoy,
McLean County, Illinois

ATTEST: (SEAL)

Juanita Dagley
Juanita Dagley, City Clerk, City of LeRoy,
McLean County, Illinois

CERTIFICATE

I, **JUANITA DAGLEY**, certify that I am the duly elected and acting municipal clerk of the **City of LeRoy**, of **McLean** County, Illinois.

I further certify that on the **15th** day of **March, 1993**, the Corporate Authorities of such municipality passed and approved Ordinance No. 491, entitled:

**AN ORDINANCE AMENDING CHAPTER 6 - WATER SERVICE, SECTION 6.29(a),
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (as amended),**

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 491, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on March 15, **1993**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at LeRoy, Illinois, this 15th day of March, 1993.

(SEAL)

X Juanita Dagley
Municipal Clerk

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

I, **JUANITA DAGLEY**, do hereby certify that I am the duly qualified and acting City Clerk of the **City of LeRoy, McLean** County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING CHAPTER 6 - WATER SERVICE, SECTION 6.29(a),
MUNICIPAL CODE OF LE ROY, ILLINOIS, 1975 (as amended).**

Said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the **15th** day of **March, 1993**, and a faithful record of said ordinance has been made in the record books.

Dated this **15th** day of **March, 1993**.

X *Juanita Dagley*
 City Clerk

(SEAL)