

CITY OF LEROY  
COUNTY OF McLEAN  
STATE OF ILLINOIS

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ORDINANCE NO. 781

AN ORDINANCE AMENDING ORDINANCE NO. 778, HAVING BEEN AN ORDINANCE PROVIDING FOR THE IMPOSITION AND COLLECTION OF A TELECOMMUNICATION INFRASTRUCTURE MAINTENANCE FEE FOR THE CITY OF LEROY, McLEAN COUNTY, ILLINOIS

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ADOPTED BY THE CITY COUNCIL OF THE CITY OF LEROY THIS 2nd  
DAY OF February, 1998.

PRESENTED: Feb. 2, 1998

PASSED: Feb. 2, 1998

APPROVED: Feb. 2, 1998

RECORDED: Feb. 2, 1998

PUBLISHED: Feb. 2, 1998

In Pamphlet Form

Voting "Aye" 5

Voting "Nay" 0

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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 *Sue Marcum*  
City Clerk of the City of LeRoy,  
McLean County, Illinois

Dated: February 2, 1998.

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WHEREAS, the City of LeRoy (hereinafter referred to as "CITY") is a municipality in accordance with the Constitution of the State of Illinois of 1970; and

WHEREAS, CITY has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and that protect the public health, safety and welfare of its citizens; and

WHEREAS, CITY adopted Ordinance No. 778 on December 15, 1997, said ordinance imposing a fee to replace the CITY's then existing municipal franchise fees with respect to telecommunications retailers; and

WHEREAS, CITY included a footnote under Section 3 of the aforesaid ordinance, found on page 4 of Ordinance No. 778, which footnote may create the impression that CITY intended to impose a fee of less than 1% of all gross charges charged by the telecommunications retailer to service addressed within CITY for telecommunications originating or received in CITY,

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

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Section 3(a) of Ordinance No. 778 contains a footnote numbered 1, which footnote reads as follows:

<sup>1</sup>Fee may be imposed in quarter percent increments of not more than 1.0%.

Said footnote is hereby deleted as is the reference to the footnote, being the number "1" found after the percent sign in the second line of Section 3(a).

Section 3. In all other respects said Ordinance and the fee imposed thereby shall continue in full force and effect.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. Conflict. This Article supersedes all articles and chapters or parts of articles and chapters adopted prior hereto which are in conflict herewith, to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its passage, approval, and publication in pamphlet form.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by \_\_\_\_\_  
Dick Oliver \_\_\_\_\_, seconded by \_\_\_\_\_ Ryan Miles \_\_\_\_\_,

by roll call vote on the 2nd day of February, 1998, as follows:

Aldermen elected 6 Aldermen present 5

VOTING AYE:

Ryan Miles, Dave McClelland, W. H. Weber, Dawn Thompson, Dick Oliver

\_\_\_\_\_  
(full names)

VOTING NAY:

None

\_\_\_\_\_  
(full names)

ABSENT:

Ron Litherland

\_\_\_\_\_  
(full names)

ABSTAIN:

None


\_\_\_\_\_  
(full names)

OTHER:


None

\_\_\_\_\_  
(full names)

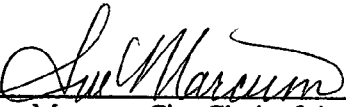
and deposited and filed in the office of the acting City Clerk in said municipality on the 2nd day of February, 1998.

X   
Sue Marcum, City Clerk of the City  
of LeRoy, McLean County, Illinois

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 2nd day of February, 1998.

X   
Robert Rice, Mayor of the City of LeRoy,  
McLean County, Illinois

ATTEST: (SEAL)

X   
Sue Marcum, City Clerk of the City  
of LeRoy, McLean County, Illinois

**CERTIFICATE**

I, Sue Marcum, certify that I am the duly appointed and acting municipal clerk of the City of LeRoy, of McLean County, Illinois.

I further certify that on February 2nd, 1998, the Corporate Authorities of such municipality passed and approved Ordinance No. 781, entitled:


AN ORDINANCE AMENDING ORDINANCE NO. 778, HAVING BEEN AN ORDINANCE PROVIDING FOR THE IMPOSITION AND COLLECTION OF A TELECOMMUNICATION INFRASTRUCTURE MAINTENANCE FEE FOR THE CITY OF LEROY, McLEAN COUNTY, ILLINOIS,

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

The pamphlet form of Ordinance No. 781, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on February 2, 1998, 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 2nd day of February, 1998

(SEAL)

  
\_\_\_\_\_  
Municipal Clerk

STATE OF ILLINOIS        )  
                                  ) SS:  
COUNTY OF McLEAN        )


I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such acting 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 ORDINANCE NO. 778, HAVING BEEN AN ORDINANCE PROVIDING FOR THE IMPOSITION AND COLLECTION OF A TELECOMMUNICATION INFRASTRUCTURE MAINTENANCE FEE FOR THE CITY OF LEROY, McLEAN COUNTY, ILLINOIS.

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 2nd day of February, 1998, and prior to the making of this certificate the said ordinance was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said ordinance in the record books.

Dated this 2nd day of February, 1998.

x   
\_\_\_\_\_  
City Clerk

(SEAL)