

city

CITY OF LeROY
COUNTY OF McLEAN
STATE OF ILLINOIS

ORDINANCE NO. 00-08-01-10

AN ORDINANCE FURTHER AMENDING AN ORDINANCE ESTABLISHING A GROSS RECEIPTS UTILITY TAX, AND FURTHER AMENDING CHAPTER 33 OCCUPATION AND USE TAX, MUNICIPAL CODE OF THE CITY OF LE ROY, ILLINOIS, 1975 (AS AMENDED)

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY
THIS 7th DAY OF AUGUST 2000.

PRESENTED: August 7, 2000

PASSED: August 7, 2000

APPROVED: August 7, 2000

RECORDED: August 7, 2000

PUBLISHED: August 7, 2000

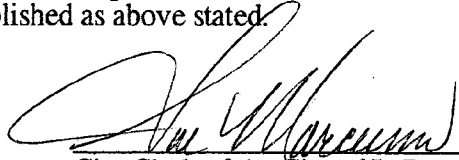
In Pamphlet Form

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)



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

Dated: August 7, 2000.

ORDINANCE NO. 00-08-01-10

AN ORDINANCE FURTHER AMENDING AN ORDINANCE ESTABLISHING A GROSS RECEIPTS UTILITY TAX, AND FURTHER AMENDING CHAPTER 33 OCCUPATION AND USE TAX, MUNICIPAL CODE OF THE CITY 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 City of LeRoy and of its residents that the utility tax ordinance, recently adopted, which has been amended, be further amended and that Chapter 33 of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), be further amended,

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. Sub-section (b) of Section 33.04 Gross Receipts Utility Tax, of Chapter 33 OCCUPATION AND USE TAX, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby adopted in words and figures as follow:

33.04 (b) EXCEPTIONS. No tax authorized by this ordinance may be imposed with respect to any transaction in interstate commerce or otherwise to the extent to which the business or privilege may not, under the Constitution and statutes of the United States, be made the subject of taxation by the State of Illinois or any political sub-division thereof; nor shall any person engaged in the business of distributing, supplying, furnishing, or selling or transmitting gas, water, or electricity, or engaged in the business of a transmitting messages, or using or consuming electricity acquired in a purchase at retail, be subject to taxation under the provisions of this ordinance for those transactions that are or may become subject to taxation under the provisions of the "Non-Home Rule Municipal Retailers' Occupation Tax act" (of the State of Illinois), as authorized by 65 ILCS 5/8-11-1.3; nor shall any tax authorized by this Ordinance be imposed upon any person in a business or on any privilege unless the tax is imposed in like manner and at the same rate upon all persons engaged in businesses of the same class in the City of LeRoy, whether privately or municipally owned or operated, or exercising the same privilege within the City of LeRoy.

Section 2. Sub-section (c) of Section 33.04 Gross Receipts Utility Tax, of Chapter 33 OCCUPATION AND USE TAX, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby amended by deletion of the word "tax" in the first line of said sub-section, and addition of the word "taxes" in place of the word "tax" in the aforesaid sub-section.

Section 3. Sub-section (g) of Section 33.04 Gross Receipts Utility Tax, of Chapter 33 OCCUPATION AND USE TAX, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as

amended), is hereby amended by deletion of the word "herein," after the words "and the tax provided for", and addition of the following language after the word "for" and before the word "shall":

33.04 (g) [. . .for] in sub-sub-section (a), sub-sections (1), (2) and (2.5), of this Section
33.04 [shall . . .]

Section 4. Sub-section (h) of Section 33.04 Gross Receipts Utility Tax, of Chapter 33 OCCUPATION AND USE TAX, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), is hereby amended by addition of the following words after the phrase "On or before the last date of August, 2000, each taxpayer", which words shall also appear before the phrase "shall make a return to the City Clerk for the month of July, 2000, stating" :

33.04 (h) [On or before the last day of August, 2000, each taxpayer] required to pay any tax imposed in accordance with subsection (a) (1), (2) and (2.5) of this Section 33.04, and any person or entity required to collect any tax imposed in accordance with subsection (a) (3) of this Section 33.04 and pay such taxes collected to the City, [shall make a return to the City Clerk for the month of July, 2000, stating:]

Section 5. Sub-sections (k) and (l) of Section 33.04 Gross Receipts Utility Tax, of Chapter 33 OCCUPATION AND USE TAX, of the Municipal Code of the City of LeRoy, Illinois, 1975 (as amended), are hereby deleted, in full, as the same were adopted by Ordinance No. 00-06-08-10 , adopted June 19, 2000.

Section 6. All ordinances, or parts thereof, and all resolutions, or parts thereof, in conflict with this Ordinance shall be and the same are hereby repealed to the extent of such conflict, and this Ordinance shall be in full force and effect as set forth hereafter.

Section 7. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or any liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance, or any part of any act or ordinance, hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 8. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the City Council of the City of LeRoy, Illinois, upon the motion by
Dave McClelland , seconded by Ron Litherland , by roll
call vote on the 7th day of August , 2000, as follows:

Aldermen elected 6

Aldermen present 5

VOTING AYE:

Dave McClland, Ron Litherland, Dawn Thompson, Steve Dean, W. H. Weber
(full names)

VOTING NAY:

None

(full names)

ABSENT:

Ryan Miles

(full names)

ABSTAIN:

(full names)

OTHER:

(full names)

and deposited and filed in the office of the acting City Clerk in said municipality on the 7th day of
August, 2000.

X Sue Marcum

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

APPROVED BY the Mayor of the City of LeRoy, Illinois, this 7th day of

August, 2000.

X Robert Rice

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

ATTEST:

(SEAL)

X Sue Marcum

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

STATE OF ILLINOIS)
) SS:
COUNTY OF McLEAN)

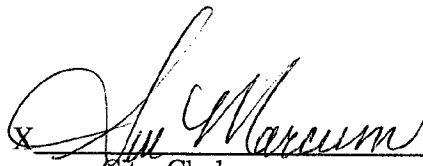
I, Sue Marcum, do hereby certify that I am the duly qualified and acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such acting City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

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

AN ORDINANCE FURTHER AMENDING AN ORDINANCE ESTABLISHING A GROSS RECEIPTS UTILITY TAX, AND FURTHER AMENDING CHAPTER 33 OCCUPATION AND USE TAX, MUNICIPAL CODE OF THE CITY OF LE ROY, ILLINOIS, 1975 (AS AMENDED).

I do further certify said ordinance was adopted by the City Council of the City of LeRoy at a regular meeting on the 7th day of August, 2000, 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 7th day of August, 2000.



City Clerk

(SEAL)

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 August 7, 2000, the Corporate Authorities of such municipality passed and approved Ordinance No. 00-08-01-10, entitled:

AN ORDINANCE FURTHER AMENDING AN ORDINANCE ESTABLISHING A GROSS RECEIPTS UTILITY TAX, AND FURTHER AMENDING CHAPTER 33 OCCUPATION AND USE TAX, MUNICIPAL CODE OF THE CITY 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. 00-08-01-10 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on August 7th, 2000, 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 7th day of August, 2000.

(SEAL)


Municipal Clerk