

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

ORDINANCE NO. 12-06-01-41

**AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, SEWER SERVICE FEES
AND CHARGES OF THE MUNICIPAL CODE OF THE CITY OF LE ROY,
MCLEAN COUTY, ILLINOIS, 2003 (AS AMENDED)**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
4th Day of June, 2012

PRESENTED: **June 4, 2012**

PASSED: **June 4, 2012**

APPROVED: **June 4, 2012**

RECORDED: **June 4, 2012**


PUBLISHED: **June 4, 2012**

In Pamphlet Form

Voting "Aye" 5
Voting "Nay" 0
Abstain 1

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)



Vicki Moreland
City Clerk of the City of
Le Roy, McLean County, Illinois

Dated: June 4, 2012

ORDINANCE NO. 12-06-01-41

AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, SEWER SERVICE FEES AND CHARGES OF THE MUNICIPAL CODE OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, 2003 (AS AMENDED)

WHEREAS, the City of LeRoy, State of Illinois, has the power to govern its own affairs and has adopted, in its Code of Ordinances, rules for conducting its business; and

WHEREAS, the City is aware that its citizens use water for swimming pools and other purposes that does not result in the drainage of that water to the waste water system of the City, and

WHEREAS, the City has made provision for an alternate billing arrangement for such water usage and has, from time, updated and amended those alternate billing arrangements; and

WHEREAS, the City desires to conform its Code of Ordinances to its duly adopted policies and procedures for such alternate billing and to correct any codification errors that presently exist and to ratify, *nunc pro tunc*, any prior billing arrangements made under those policies and procedures through the date of this Ordinance, irrespective of the codification of those policies or procedures in the City Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEROY, AS FOLLOWS:

SECTION ONE: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION TWO: The City Code of Ordinances, Title 8, WATER AND SEWER, Section 8-5-2 (B), is hereby amended as follows (additions are underlined and deletions are ~~stricken~~):

B. Additional Metering Of Water Usage:

1. Persons Residential use customers desiring to have a portion of the water usage measured for their premises exempted from the user charge for wastewater services for the months encompassed by the May meter reading through the October meter reading, as provided in subsection A of this section, shall make written application for the "Outside (Non-Sewer) Water Usage Program" (hereafter "Non-Sewer Program") an additional water meter to the city clerk upon printed blanks to be furnished by the clerk and signed by the applicant or his authorized agent; provided, no such application will be accepted by the city unless made signed by the owner of the premises. An annual fee of fifty dollars (\$50.00) one hundred dollars (\$100.00), not to be prorated in any manner, shall be collected upon filing of the application. All relief granted under the Non-Sewer Program will be prospective and implemented as soon as reasonably possible. In no circumstance will any customer be entitled to any retroactive recalculation of charges. Application for participation in the Non-Sewer Program and payment of the fee is required annually.

2. For each customer accepted into the Non-Sewer Program, the City will average the water use for that customer using the meter readings from the months of November through April of the year preceding the participation in the Non-Sewer Program. The calculated average will constitute a "Not-to-Exceed" cap ("the Cap") for purposes of calculating the monthly charge for wastewater services during participation in the Non-Sewer Program. For charges calculated upon the meter readings in May, June, July, August, September and October, customers participating in the Non-Sewer Program will be charged standard charges for wastewater services up to, but not exceeding, the Cap for those months in which the Customer is a participant.

~~2. The additional meter shall be placed and attached by the city water department on an outside faucet or water line and at some point after the meter location on the incoming water service to the premises.~~

~~3. Such meters, once in place, shall be read by the city water department at the same time the reading is taken for the inflow water meter for the same premises. The usage measured by the outflow meter shall then provide the "adjustment" in meter readings and establish the water flow not discharged to the sewer in accordance with the provisions in subsection A of this section for purposes of determining the wastewater service charge for the premises.~~

~~4. All provisions of chapter 1 of this title regarding rules and regulations pertaining to the care, maintenance, servicing and protection of water meters and tampering therewith are incorporated herein by reference and are made pertinent to meters installed under this subsection.~~

SECTION THREE: All prior charges, billings, calculations and amounts collected premised upon the policies of the City up to and through the date of this Ordinance are hereby ratified and affirmed, *nunc pro tunc*, as if this Ordinance was in place and effect and codified as such.

SECTION FOUR: If any section, subsection, sentence, clause, phrase or portion of this Ordinance 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 FIVE: All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION SIX: 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 Le Roy, Illinois, upon the motion made by Jeff Lewis, and seconded by Dawn Hanafin by roll call vote on the 4th day of June, 2012 as follows

Aldermen elected 8

Aldermen Present 6

Voting Aye: Dawn Hanafin, T.A. Whitsitt, Rae Ann Ahlers, Mike Bailey, Jeff Lewis, ,
Matt Shivers

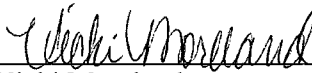
Voting Nay:
None

Absent:
None

Abstain: Mike Bailey

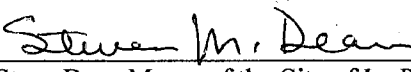
Other:
None

And deposited and filed in the office of the City Clerk in said municipality on the 4th day of June, 2012.



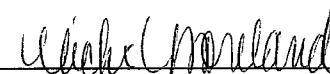
Vicki Moreland, City Clerk
of the City of Le Roy, McLean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 4th day of June, 2012



Steve Dean Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)



Vicki Moreland, City Clerk of the City of Le Roy
Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting Municipal Clerk of the City of Le Roy, McLean County, Illinois.

I further certify that on **June 4, 2012** the Corporate Authorities of such municipality passed and approved **Ordinance No. 12-06-01-41** entitled:

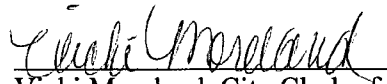
**AN ORDINANCE AMENDING TITLE 8, CHAPTER 5, SEWER SERVICE FEES
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MCLEAN COUNTY, ILLINOIS, 2003 (AS AMENDED)**

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

The pamphlet form of Ordinance No. **12-06-01-41**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on June 4, 2012 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 Le Roy, Illinois this 4th day of June, 2012.

(SEAL)


Vicki Moreland, City Clerk of the
City of Le Roy, McLean County,
Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, 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 TITLE 8, CHAPTER 5, SEWER SERVICE FEES AND CHARGES OF THE MUNICIPAL CODE OF THE CITY OF LE ROY, MCLEAN COUNTY, ILLINOIS, 2003 (AS AMENDED)

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 4th day of June, 2012 and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 4th day of June, 2012

(SEAL)


Vicki Moreland, City Clerk
of the City of Le Roy,
McLean County, Illinois