

CITY OF LeROY

ILLINOIS

ORDINANCE NO. 168

ADOPTED BY THE
CITY COUNCIL,
OF THE
CITY OF LeROY

THIS 20th DAY OF SEPTEMBER, 1982.

Published in pamphlet form by authority of the
City Council of the City of LeRoy, McLean County,
Illinois, this 21st day of September,
1982.

AN ORDINANCE AMENDING CHAPTER 12 NUISANCES, SECTION 12.07, MUNICIPAL CODE OF LeROY, ILLINOIS 1975 (AS AMENDED).

Whereas, the Illinois Environmental Protection Agency has given notice to the City of LeRoy that certain changes in Chapter 111 1/2* have been made by legislative changes passed by the General Assembly of the State of Illinois permitting the burning of landscape wastes, and that such burning was not permitted prior to the effective date of these changes, and

Whereas, the Mayor and City Council have determined that the present ordinances banning all open fires for destruction of landscape wastes are therefore capable of being changed to permit a greater variety of wastes to be burned by open fire than was heretofore permitted, and

Whereas, the Mayor and City Council have determined that such changes would be in the best interests of the residents of the City of LeRoy and in the best interests of the City of LeRoy,

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

Section 1. That Section 12.07 OPEN FIRES, of Chapter 12 NUISANCES, Municipal Code of LeRoy, Illinois 1975 (as amended), is hereby repealed.

Section 2. That new Section 12.07 OPEN FIRES, of Chapter 12 NUISANCES, Municipal Code of LeRoy, Illinois 1975 (as amended), in the words as follows is hereby adopted:

"12.07 OPEN FIRES (a) No person shall cause or allow open burning of any combustible material for refuse, conduct any salvage operation by open burning, or cause or allow the burning of any refuse or combustible material in any chamber not specifically designed for the purpose and approved by the Illinois Environmental Protection Agency pursuant to regulations adopted by the Illinois Air Pollution Control Board, except that it shall be lawful for any person to burn landscape waste upon the premises where it is produced or at sites provided and supervised by the City of LeRoy, when such burning shall take place between sunup and sundown, and when such burning is conducted in a manner and under such conditions as will create the least visibility hazards on adjacent roadways, walkways and railroad tracks, and will create the least amount of pollutants reasonably possible at such time; further, except it shall also be lawful for any person to set fire to, ignite or burn any combustible material in any outdoor fireplace, grill or barbecue pit if:

1. Such fire is used solely for the purpose of cooking; and
2. Such fire is kept under competent and continuous supervision; and
3. All flammable and combustible material is removed a sufficient distance from the fireplace, grill or barbecue pit so as not to constitute a fire hazard, and
4. All such burning is sufficient distance from other residents and properties so as to not be a nuisance, constitute a fire hazard or impair the breathing of free air to adjacent persons or property owners, and
5. All fires or coals in said fireplace, grill or barbecue pit are thoroughly extinguished after the use thereof has been completed.

(i) "Open burning" is the combustion of any matter in the open or in an open dump.

(ii) "Landscape waste" is all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

(b) This section shall embrace, but not be in conflict with the provisions of an Act to protect the environment of the State, and to repeal certain acts therein named, being Section 1001 to Section 1010, both inclusive, of Chapter 111 1/2 of the Illinois Revised Statutes.

(c) The burning of landscape wastes in the open air under proper regulations shall be permitted so long as the same is not in conflict with the provisions of the acts of the State of Illinois and its subsidiary agencies relative to the burning of landscape wastes in open air.

Section 3. That 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 Mayor and City Council of the City of LeRoy, Illinois, on the 20th day of September, 1982.

AYES Loren Bean, Gary Builta, Jon Winston, David King, Irwin Moreland

NAYS None

Juanita Hagley
City Clerk of the City of LeRoy, Illinois

Approved by the Mayor of the City of LeRoy, Illinois, this 20th day of September, 1982.

Jack Dross
Mayor of the City of LeRoy, Illinois

ATTEST:

(seal)

Juanita Hagley
City Clerk of the City of LeRoy, Illinois

CERTIFICATE

I, Juanita Dagley, certify that I am the duly elected and acting municipal clerk of the _____ of _____ County, Illinois.

I further certify that on September 20, 19 82, the Corporate Authorities of such municipality passed and approved Ordinance No. 168, entitled AN ORDINANCE AMENDING CHAPTER 12 NUISANCES

SECTION 12.07, 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. 168, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on _____, 19 _____, 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 21st day of September, 19 82.

(SEAL)

Juanita Dagley
Municipal Clerk

HUNT HENDERSON
ATTORNEY AT LAW
122 NORTH CHESTNUT STREET
LEROY, ILLINOIS 61752

October 16, 1982

(309) 962-2791

Mayor and City Council
City of LeRoy
LeRoy, Illinois 61752

Gentlemen:

I have been requested to prepare appropriate ordinances for the purchase of a sewer cleaning machine and root cutting machine by the City of LeRoy, Illinois. In connection with this purchase it is my understanding that it will be necessary to obtain financing by issuance of tax anticipation warrants or general obligation bonds sufficient to enable the city to pay them back at a later date through the collection of additional property taxes.

Attached please find the appropriate ordinance authorizing the purchase of said equipment by the City of LeRoy and authorizing the execution of any necessary contracts and other documents evidencing said sale and purchase by the Mayor and City Clerk of the city. Insofar as the financing matters are concerned, it will first be necessary to adopt a supplemental appropriation ordinance which I have also attached, providing for the additional raising of the necessary revenues and the expenditure of said revenues and the purpose for such expenditure.

There are three basic alternatives available to the city government to provide for the purchase of the machinery. First, the purchase can be defrayed until December, at which time a supplemental appropriation ordinance may be adopted providing for the movement of monies from one fund to another. It is my recommendation that this particular alternative not be utilized in that this will seriously deplete monies intended to be available for other city expenses throughout the balance of the fiscal year. The second alternative available is to finance this purchase through the issuance of debt obligations on the part of the city. The city can issue tax anticipation warrants which are nothing more than a negotiable document pledging the city's full faith and credit to repay the anticipation warrant when the next property taxes are received by the city. These anticipation warrants would be to cover the taxes due for 1982 which should be coming in June and August of 1983. Another form of negotiable debt obligation

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which may be issued similar to tax anticipation warrants is a general obligation note. General obligation notes may also be issued up to 85% of the taxes to be levied in support of and to pay off the note, and the interest rate would be the same on the general obligation note as on the tax anticipation warrant. The note must mature within two (2) years of the date of its issue, the first interest payment may not be earlier than the delinquency date of the first installment of taxes levied to pay the interest and a special tax must be levied to pay off the notes. General obligation notes are not frequently used and I would recommend that tax anticipation warrants be issued rather than general obligation notes.

The third alternative is to issue general obligation bonds which may be issued in accordance with the state statutes in an amount not to exceed one-half of one percent of the assessed valuation of the city. The assessed valuation in 1981 was \$11,987,359.00 and may be expected to remain the same for 1982 or increase. Based on the 1981 assessed valuation, the city could issue bonds in an amount not greater than \$59,936.80. The bonds could be paid off before the end of 1983 by way of levying a special tax to be collected on real estate for tax year 1982, which tax may still be levied as long as the levy ordinance is filed with the McLean County Clerk before the end of the year. The advantage of issuing general obligation bonds over tax anticipation warrants is that the revenues necessary to pay off the debt will be received along with the general corporate tax revenues in two installments in 1983. The disadvantage of issuing this kind of debt "paper" is that fees must be paid to a bond counsel to render an opinion to the purchaser of the bonds regarding the city's ability to repay the bonds and an opinion in regard to the legal technicalities of the bond issue itself.

I have prepared the necessary documents to provide for the issuance of tax anticipation warrants or general obligation bonds as the City Council may determine appropriate. According to Mr. Ron Wesbecher at the LeRoy State Bank, the bank would be willing to purchase bonds or tax anticipation warrants to be paid off within one year at an interest rate not to exceed seven and one-half percent (7-1/2%) interest. According to my records the bond counsel's fee in July 1980 for a similar issue of general obligation bonds was \$750.00. I have obtained

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a non-binding estimate from a Bloomington attorney who is now rendering bond opinions that he would do the necessary work for \$750.00. However, I did not have the documents available at that time for him to look over in order that he might make a binding estimate as to his fee.

Sincerely yours,

Hunt Henderson
Hunt Henderson

HH:mbw
Enc.