

AN ORDINANCE CREATING ARTICLE XVIII (PUBLIC SAFETY PENSION FEE) OF
ARTICLE 18 (LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS) OF
THE CODE OF THE CITY OF PEORIA

WHEREAS, the City of Peoria is a Home Rule Municipality as established in Article VII, Section 6 of the Constitution of the State of Illinois (Illinois Constitution); and,

WHEREAS, Article VII, Section 6(a) of the Illinois Constitution provides that a Home Rule Municipality may exercise any power and perform any function pertaining to its government and affairs; and,

WHEREAS, Article VII, Section 6(m) of the Illinois Constitution provides that the powers and functions of Home Rule units of government shall be construed liberally; and,

WHEREAS, the City of Peoria has and maintains a Public Safety Department, comprised of a Police Division and Fire Division, in order to protect public health and welfare and to promote public safety; and,

WHEREAS, the Police and Fire Divisions provide certain services within the City of Peoria and all residential and commercial structures benefit from the availability of those services; and,

WHEREAS, the City Council has determined that, in order to continue to provide those services, a fee shall be assessed against all residential and commercial real estate which contains a structure or multiple structures within the corporate limits of the City; and,

WHEREAS, the fee, in addition to Property Tax, shall be used to offset Police and Fire Division costs for the Public Safety Division.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1. Chapter 18, Article XVIII of the Code of the City of Peoria is hereby created by adding the following underlined language:

§ 18-659 PUBLIC SAFETY PENSION FEE.

A fee is hereby imposed and charged on each residential and commercial property within the corporate limits of the city which contain no structure, a single structure, or multiple structures with respect to the provision of fire and police services within the city. The amount of the fee for properties with buildings under 5,000 square feet and for properties with buildings over 5,000 square fee to be imposed and charged shall be as described and set forth in Appendix A to this Article.

§ 18-660 BILLING.

All fees imposed and charged pursuant to this Article shall be payable monthly in advance to the billing entity for the use and benefit of the City. Bills shall be rendered and paid on the same periodic basis of the billing entity uses for its own billing.

§ 18-661 DELINQUENCY.

- (A) Any bill or invoice for the fee imposed pursuant to this Article shall be considered delinquent upon the expiration of the time allowed for payment.
- (B) Any person or entity liable for public safety pension fee who fails to pay such fee when due, or any portion thereof, shall pay to the City a penalty of \$5 per month up to the first six (6) months or part of a month within which a delinquency remains. If the fee, or any portion thereof, remains delinquent beyond six (6) months, any person liable for the fee shall pay to the City a penalty of \$20 per month for every month thereafter within which a delinquency remains.
- (C) Upon the occurrence of a delinquency, the City shall send to the owner or owners the following: a copy of each delinquency notice sent to the person who had been paying the charges or some other notice sufficient to inform the owner or owners that the charges have become delinquent; and, a notice that the unpaid charges may create a lien on the premises receiving or benefitting from the service for the amount of the delinquency and any and all charges which subsequently become delinquent.
- (D) The fee imposed by this Article is a lien upon the real estate benefitting from the provision of fire and police services by the city, whenever the fee or any portion thereof becomes delinquent. The City has no preference over the rights of any purchaser, mortgagee, creditor, or other lien-holder arising prior to the filing of the notice of such lien in the office of the Recorder of Deeds of Peoria County, Illinois. This notice shall consist of a sworn statement setting forth: a description of the real estate sufficient for the identification thereof; the amount of the delinquency; and, the date upon which such amount became delinquent. Any costs incurred by the City in preparing, filing and recording the notice of lien shall be included in the amount of the lien. These costs may include, but not necessarily be limited to, attorney's fees and filing and recording charges. A copy of the notice of lien shall be sent to the owner or owners of record at the last known address. The city shall have the power to foreclose the lien created by this section in the same manner and with the same effect as in the foreclosure of mortgages on real estate.
- (E) The City shall also have the power, from time to time, to file suit against the owner of the real estate in a civil action to recover amounts due pursuant to this chapter plus reasonable attorney's fees and costs of suit.
- (F) The City shall add interest at a rate of 6% per annum on all liens filed against property owners for delinquent fees imposed pursuant to this Article.

§ 18-662 APPLICATION OF FUNDS.

The funds received by the City pursuant to this chapter shall be specifically applied to abate the portion of the City's property tax levies pertaining to the pension payments for the Fire and Police Divisions.

§ 18-663 AMENDMENTS.

Any amendments to this chapter, including its Appendix, shall require a 2/3 majority vote of the corporate authorities of the City.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of _____, 2018.

AYES:

NAYS:

ABSENT:

APPROVED:

Jim Ardis, Mayor

ATTEST:

Beth Ball, City Clerk

EXAMINED AND APPROVED:

Corporation Counsel