

CITY OF MORRIS
GRUNDY COUNTY, ILLINOIS

ORDINANCE NO. 3519

ORDINANCE AMENDING CHAPTER 17.78.010 OF THE MORRIS
MUNICIPAL CODE REGARDING REIMBURSEMENT
OF COSTS AND PROFESSIONAL FEES

PASSED AND APPROVED BY THE MORRIS
CITY COUNCIL THIS 6TH DAY OF DECEMBER, 2004

Published in Pamphlet Form
by the authority of the Mayor and
Aldermen of the City of Morris
Grundy County, Illinois, this
6th day of December, 2004

Prepared By:
Scott M. Belt
Scott M. Belt & Associates, P.C.
105 E. Main Street, Suite 206
Morris, IL 60450

ORDINANCE NO. 3519

ORDINANCE AMENDING CHAPTER 17.78.010 OF THE MORRIS
MUNICIPAL CODE REGARDING REIMBURSEMENT
OF COSTS AND PROFESSIONAL FEES

WHEREAS, the City of Morris has received an increased volume of applications for subdivision, planned unit development, zoning, rezoning, annexation, conditional permitted use and variances which require the review, involvement or other actions of the City Engineer, City Planning Consultant, City Attorney or other professional consultants;

WHEREAS, the City of Morris has recently adopted Ordinance No. 3513 which implements a site plan review process for the development of commercial, manufacturing and multi-family sites within the City of Morris which also requires the review, involvement and actions of the City Engineer, City Planning Consultant, City Attorney and other professional consultants;

WHEREAS, the City of Morris has previously adopted policies, ordinances and other procedures which have been intended to control the growth within the City of Morris and the surrounding territories in a reasonable and responsible fashion;

WHEREAS, the City of Morris has determined that the costs associated with future growth should be borne by the developers, landowners or other persons creating said growth, including the reimbursement of costs and professional fees incurred by the City of Morris as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MORRIS, GRUNDY COUNTY, ILLINOIS, AS FOLLOWS:

1. The above recitals are hereby found to be true and correct, and are hereby restated and incorporated into the body of this Ordinance as though fully set forth herein.
2. That Section 17.78.010 of the Morris Municipal Code related to costs and professional fees is hereby amended in its entirety, and shall hereafter read as follows:

Chapter 17.78

FEES

17.78.010 Costs and professional reimbursement.

- A. A fee of three hundred dollars (\$300.00) shall accompany an application for a zoning map amendment, zoning text amendment,

conditional permitted use or variation and shall be filed with the city clerk by or on behalf of the owner or owners of the property affected.

- B. All applicants requesting a site plan review, subdivision, planned unit development, zoning, rezoning, annexation, conditional permitted use or variance shall either pay directly to or reimburse the city for its reasonable costs for engineering, planning, legal or other professional consultants incurred in connection with preparing, studying, inspecting, reviewing, examining, checking and processing applicant's request and plans.
- C. All bills for engineering, planning, legal and other professional consultants shall be submitted to the planning and zoning officer or city clerk prior to the city submitting invoices to the applicant for prompt payment by the applicant.
- D. All city invoices for such services submitted by the city to the application shall be paid promptly by the applicant, but not later than 30 days, and the obligation to reimburse the city or pay directly those providing services is binding whether or not the city approves the applicant's site plan subdivision, planned unit development, zoning, rezoning, annexation, conditional permitted use or variance.
- E. Notwithstanding any other ordinances of the city, no site plan subdivision, planned unit development, zoning, rezoning, annexation, conditional permitted use or variance shall be deemed to be approved unless or until the applicant has reimbursed the city or paid directly to those providing services, those costs incurred for engineering, planning, legal and other professional consultant fees incurred by the city in connection with the applicant's request and plans.
- F. At the time an applicant files his application for a site plan review, subdivision, planned unit development, zoning, rezoning, annexation, conditional permitted use or variance, the city planning and zoning officer or other designee receiving the application, shall furnish the applicant with a form which shall read substantially as follows:

APPLICANT:

Date:

The following firm, representative, agent or individual does hereby state that it has been fully disclosed to said party that in order for the City of Morris to properly review and evaluate requests for site plan review, subdividing, planned unit developments, zoning, rezoning, annexation, conditional permitted use and variances, it must necessarily utilize and engage the services of engineering, planning, legal and other professional consultants. The undersigned hereby agrees to pay to the City of Morris, either by reimbursement or directly to the professionals providing services, the reasonable costs incurred by the City for such

services pertaining to the request of the undersigned for such site plan review, subdividing, planned unit development, zoning, rezoning, annexation, conditional permitted use or variance. It is further understood and agreed that all invoices for such services shall be paid promptly when submitted, but not later than 30 days, and that the obligation to reimburse the City or pay the professionals providing said services directly is binding whether or not a site plan, subdivision, planned unit development, zoning, rezoning, annexation, conditional permitted use or variance is in fact approved.

Applicant

- G. The planning commission, zoning board of appeals or city council shall not be required to take any action on any application submitted until the applicant has signed the above form and properly submitted it to the city planning and zoning officer or designee at the time of application. (Ord. 3081, 1997; Ord. 2373, 1978; §14 of unnumbered Ord. dated 9/28/66).
- H. At the time an applicant files his application for site plan review, subdivision, planned unit development or annexation, the applicant shall deposit with the building and zoning officer or city clerk the sum of three thousand dollars (\$3,000.00) as a security deposit for the payment and satisfaction of the costs, engineering, planning, legal and other professional fees. Said sum shall be returned to the applicant within 60 days following the payment and satisfaction of all sums due herein. In the event the applicant fails to satisfy the financial obligations herein, the City may apply all or any portion of said security deposit against said obligation. The City may maintain an action at law or in equity to enforce the provisions of this ordinance and the applicant shall be responsible for all costs and attorney's fees incurred by the city of Morris in the enforcement of the provisions of this ordinance, whether suit is filed or not. The building and zoning officer is authorized to issue a stop work order, if applicable, until the applicant pays and satisfies its obligations, in full.

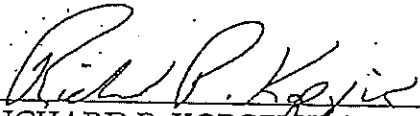
3. This Ordinance shall be effective from and following its passage, approval and publication as required by law.

4. The City Clerk is hereby authorized and directed to publish a true and correct copy of this Ordinance in pamphlet form immediately following the passage and approval hereof for a period of not less than ten (10) days, and to complete a Certificate of Publication consistent therewith.

5. Any Ordinances inconsistent with the terms and provisions hereof are hereby repealed and revoked to the extent of any such inconsistency.

PASSED AND APPROVED this 6th day of December, 2004.

Ayes:	<u>7</u>
Nays:	<u>0</u>
Abstain:	<u>0</u>
Absent:	<u>1</u>


RICHARD P. KOPCICK, MAYOR

(SEAL)

ATTEST:


JOHN D. ENGER, CITY CLERK

C:\Documents and Settings\Sheri\My Documents\Morris\Ordinances\Ord Amend Chapter 17.78 of Code re Costs & Prof! Fees.ss.doc

**CITY OF MORRIS
POLICY FOR REIMBURSEMENT OF
COSTS AND PROFESSIONAL FEES**

APPLICANTS NAME:

DATE:

THE FOLLOWING FIRM, REPRESENTATIVE, AGENT OR INDIVIDUAL DOES HEREBY STATE THAT IT HAS BEEN FULLY DISCLOSED TO SAID PARTY THAT IN ORDER FOR THE CITY OF MORRIS TO PROPERLY REVIEW AND EVALUATE REQUESTS FOR SITE PLAN REVIEW, SUBDIVIDING, PLANNED UNIT DEVELOPMENT, ZONING, REZONING, ANNEXATION, CONDITIONAL PERMITTED USE AND VARIANCES, IT MUST NECESSARILY UTILIZE AND ENGAGE THE SERVICES OF ENGINEERING, PLANNING, LEGAL AND OTHER PROFESSIONAL CONSULTANTS. THE UNDERSIGNED HEREBY AGREES TO PAY TO THE CITY OF MORRIS, EITHER BY REIMBURSEMENT OR DIRECTLY TO THE PROFESSIONALS PROVIDING SERVICES, THE REASONABLY FEES INCURRED BY THE CITY FOR SUCH SERVICES PERTAINING TO THE REQUEST OF THE UNDERSIGNED FOR SUCH SITE PLAN REVIEW, SUBDIVIDING, PLANNED UNIT DEVELOPMENT, ZONING, REZONING, ANNEXATION, CONDITIONAL PERMITTED USE OR VARIANCE. IT IS FURTHER UNDERSTOOD AND AGREED THAT ALL INVOICES FOR SUCH SERVICES SHALL BE PAID PROMPTLY WHEN SUBMITTED, BUT NOT LATER THAN 30 DAYS, AND THAT THE OBLIGATION TO REIMBURSE THE CITY OR PAY THE PROFESSIONALS PROVIDING SAID SERVICES DIRECTLY IS BINDING WHETHER OR NOT A SITE PLAN, SUBDIVISION, PLANNED UNIT DEVELOPMENT, ZONING, REZONING, ANNEXATION, CONDITIONAL PERMITTED USE OR VARIANCE IS IN FACT APPROVED.

APPLICANT