

TITLE 3: REVENUE AND FINANCE

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**CHAPTER 3.02: LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS
AND RESPONSIBILITIES**

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§ 3.02.010 TITLE .

This Chapter of the Municipal Code shall be known as and may be cited as the “Locally Imposed and Administered Tax Rights and Responsibility Chapter.”
(Ord. 1182, passed 2-5-01)

§ 3.02.020 SCOPE.

The provisions of this chapter shall apply to the city’s procedures in connection with all the city’s locally imposed and administered taxes.
(Ord. 1182, passed 2-5-01)

§ 3.02.030 DEFINITIONS.

ACT. The “Local Government Taxpayers’ Bill of Rights Act.”

CITY. The City of Crest Hill, Illinois.

CORPORATE AUTHORITIES. The City’s Mayor and City Council.

LOCAL TAX ADMINISTRATOR. The City's Treasurer is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the Local Tax Administrator to act in the Local Tax Administrator's stead. The Local Tax Administrator shall have the authority to implement the terms of this chapter to give full effect to this chapter. The exercise of such authority by the Local Tax Administrator shall not be inconsistent with this chapter and the Act.

LOCALLY IMPOSED AND ADMINISTERED TAX or TAX. Each tax imposed by the city that is collected or administered by the city not an agency or department of the state. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the city other than infrastructure maintenance fees.

NOTICE. Each audit notice, collection notice or other similar notice or communication in connection with each of the city's locally imposed and administered taxes.

TAX ORDINANCE. Each ordinance adopted by the city that imposes any locally imposed and administered tax.

TAXPAYER. Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the city.

(Ord. 1182, passed 2-5-01)

§ 3.02.040 NOTICES.

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the Local Tax Administrator. The notice shall be sent by the Local Tax Administrator as follows:

(A) First class or express mail, or overnight mail, addressed to the person concerned at the persons' last known address, or

(B) Personal service or delivery.
(Ord. 1182, passed 2-5-01)

§ 3.02.050 LATE PAYMENT.

Any notice, payment, remittance or other filing required to be made to the city pursuant to any tax ordinance shall be considered late unless it is:

(A) Physically received by the city on or before the due date, or

(B) Received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the city, with adequate postage prepaid.
(Ord. 1182, passed 2-5-01)

§ 3.02.060 PAYMENT.

Any payment or remittance received for a tax period shall be applied in the following order:

(A) First to the tax due for the applicable period;

(B) Second to the interest due for the applicable period; and

(C) Third to the penalty for the applicable period.

(Ord. 1182, passed 2-5-01)

§ 3.02.070 CERTAIN CREDITS AND REFUNDS.

(A) The city shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

(B) The statute of limitations on a claim for credit or refund shall be four years after the end of the calendar year in which payment in error was made. The city shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the city.

(C) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:

(1) The taxpayer shall submit to the Local Tax Administrator in writing a claim for credit or refund together with a statement specifying:

(a) The name of the locally imposed and administered tax subject to the claim;

(b) The tax period for the locally imposed and administered tax subject to the claim;

(c) The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;

(d) The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and

(e) A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the city.

(2) Within ten days of the receipt by the Local Tax Administrator of any claim for a refund or credit, the Local Tax Administrator shall either:

(a) Grant the claim; or

(b) Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

(3) In the event the Local Tax Administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of 4% per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.
(Ord. 1182, passed 2-5-01)

§ 3.02.080 AUDIT PROCEDURE.

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this chapter.

(A) Each notice of audit shall contain the following information:

- (1) The tax;
- (2) The time period of the audit; and
- (3) A brief description of the books and records to be made available for the auditor.

(B) Any audit shall be conducted during normal business hours and if the date and time selected by the Local Tax Administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.

(C) The taxpayer may request an extension of time to have an audit conducted. The audit shall be concluded not less than seven days nor more than 30 days from the date the notice is given, unless the taxpayer and the Local Tax Administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the Local Tax Administrator.

(D) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the city.

(E) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the city. If the taxpayer fails to provide the documents necessary for audit within the time provided, the Local Tax Administrator may issue a tax determination and assessment based on the Tax Administrator's determination of the best estimate of the taxpayer's tax liability.

(F) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the city's determination of the amount of overpayment.

(G) In the event a tax payment was submitted to the incorrect local governmental entity, the Local Tax Administrator shall notify the local governmental entity imposing such tax.
(Ord. 1182, passed 2-5-01)

§ 3.02.090 APPEAL.

(A) The Local Tax Administrator shall send written notice to a taxpayer upon the Local Tax Administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

- (1) The reason for assessment;
- (2) The amount of the tax liability proposed;
- (3) The procedure for appealing the assessment; and
- (4) The obligations of the city during the audit, appeal, refund and collection process.

(B) A taxpayer who receives written notice from the Local Tax Administrator of a determination of tax due or assessment may file with the Local Tax Administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the Local Tax Administrator within 45 days of receipt of the written notice of the tax determination and assessment.

(C) If a timely written notice and petition for hearing is filed, the Local Tax Administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.

(D) If a written protest and petition for hearing is not filed within the 45 day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.

(E) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the Local Tax Administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45 day period.
(Ord. 1182, passed 2-5-01)

§ 3.02.100 HEARING.

(A) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under § 3.02.090, the Local Tax Administrator shall conduct a hearing regarding any appeal.

(B) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the right of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.

(C) At the hearing the Local Tax Administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.

(D) At the conclusion of the hearing, the Local Tax Administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.
(Ord. 1182, passed 2-5-01)

§ 3.02.110 INTEREST AND PENALTIES.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

(A) *Interest.* The city hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be 5.0% per annum, based on a year of 365 days and the number of days elapsed.

(B) *Late filing and payment penalties.* If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of 5% of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of 5% of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the city issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25% of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

(Ord. 1182, passed 2-5-01)

§ 3.02.120 ABATEMENT.

The Local Tax Administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the Local Tax Administrator shall determine reasonable cause exists for delay or failure to make a filing.

(Ord. 1182, passed 2-5-01)

§ 3.02.130 INSTALLMENT CONTRACTS.

The city may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The Local Administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the Local Tax Administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 14 day period or fails to demonstrate good faith in restructuring the installment contract with the Local Administrator, the installment contract shall be canceled without further notice to the taxpayer.

(Ord. 1182, passed 2-5-01)

§ 3.02.140 STATUTE OF LIMITATIONS.

The city, through the Local Tax Administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

(A) No determination of tax due and owing may be issued more than four years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

(B) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the city, the tax paid was less than 75% of the tax due, the statute of limitations shall be six years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

(C) No statute of limitations shall not apply if a fraudulent tax return was filed by the taxpayer.

(Ord. 1182, passed 2-5-01)

§ 3.02.150 VOLUNTARY DISCLOSURE.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the Local Tax Administrator, a taxpayer is entitled to file an application with the Local Tax Administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of 1% per month, for all period prior to the filing of the application but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the Local Tax Administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amounts owed or the date agreed to by the Local Tax Administrator, which is longer.
(Ord. 1182, passed 2-5-01)

§ 3.02.160 PUBLICATION OF TAX ORDINANCES.

Any locally administered tax ordinance shall be published via normal or standard publishing requirements. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.
(Ord. 1182, passed 2-5-01)

§ 3.02.170 REVIEW PROCEDURES.

The Local Tax Administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the Local Tax Administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the Local Tax Administrator shall:

- (A) Timely remove the lien at the city's expense;
- (B) Correct the taxpayer's credit record; and
- (C) Correct any public disclosure of the improperly imposed lien.

(Ord. 1182, passed 2-5-01)

§ 3.02.180 APPLICATION.

This chapter shall be liberally construed and administered to supplement all of the city's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this chapter, this chapter shall be controlling.
(Ord. 1182, passed 2-5-01)

§ 3.02.190 SEVERABILITY.

If any section, paragraph or provision of this chapter shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this chapter.

(Ord. 1182, passed 2-5-01)

CHAPTER 3.04: MUNICIPAL USE TAX

Section

- 3.04.010 Imposition; rate
- 3.04.020 Collection; payment

§ 3.04.010 IMPOSITION; RATE.

A tax is imposed in accordance with the provisions of ILCS Ch. 65, Act 5, § 8-11-6 upon the privilege of using in the city any item of tangible personal property which is purchased outside Illinois at retail from a retailer, and which is titled or registered with an agency of Illinois government. The tax shall be at a rate of 1% of the selling price of such tangible property with the selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.
(‘78 Code, § 3.04.010) (Ord. 370, passed - -74)

§ 3.04.020 COLLECTION; PAYMENT.

Such tax shall be collected by the Illinois Department of Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.
(‘78 Code, § 3.04.020) (Ord. 370, passed - -74)

**CHAPTER 3.10: NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX
AND MUNICIPAL SERVICE OCCUPATION TAX¹**

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| 3.10.030 | Clerk to file ordinance with Illinois Department of Revenue |
| 3.10.040 | Reimbursement |
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§ 3.10.010 TAX IMPOSED.

(A) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled and registered with an agency of this state's government, at retail in the city at the rate of 1% of the gross receipts from such sales made in the course of such business while this chapter is in effect; and a tax is hereby imposed upon all persons engaged in the city in the business of making sales of service, at the rate of 1% of the selling price of all tangible personal property transferred by such serviceman either in the form of tangible personal property or in the form of real estate as an incident to a sale of service. This "Non-Home Rule Municipal Retailers' Occupation Tax" and this "Non-Home Rule Municipal Service Occupation Tax" shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

(B) The imposition of these non-home rule taxes is in accordance with and subject to the provisions of ILCS Ch. 65, Act 5, §§ 8-11-1.1, 8-11-1.2, 8-11-1.3 and 8-11-1.4.
(Ord. 1595, passed 4-30-12)

§ 3.10.020 ILLINOIS DEPARTMENT OF REVENUE TO ADMINISTER.

The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of Ordinance 1595.
(Ord. 1595, passed 4-30-12)

¹For statutory provisions authorizing the city to adopt the Non-Home Rule Municipal Retailers' Occupation Tax and the Non-Home Rule Municipal Service Occupation Tax, ILCS Ch. 65, Act 5, §§ 8-11-1.1, 8-11-1.2, 8-11-1.3 and 8-11-1.4.

§ 3.10.030 CLERK TO FILE ORDINANCE WITH ILLINOIS DEPARTMENT OF REVENUE.

The City Clerk is hereby authorized and directed to file a certified copy of Ordinance 1595 and a certification that the Ordinance received referendum approval immediately with the Illinois Department of Revenue.

(Ord. 1595, passed 4-30-12)

§ 3.10.040 REIMBURSEMENT.

Those subject to the tax imposed by this chapter may reimburse themselves for their tax liability as provided for by the Illinois Municipal Code.

(Ord. 1595, passed 4-30-12)

§ 3.10.050 EFFECTIVE DATE.

Ordinance 1595 shall take effect on the first day of July next following the adoption and filing of the Ordinance with the Department of Revenue.

(Ord. 1595, passed 4-30-12)

§ 3.10.060 REPEAL OF CONFLICTING PROVISIONS.

All ordinances and resolutions, or parts thereof, in conflict with the provisions of this chapter are, to the extent of the conflict, expressly repealed expressly repealed on the effective date of Ordinance 1595.

(Ord. 1595, passed 4-30-12)

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CHAPTER 3.14: TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

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Statutory reference:

Telecommunications Municipal Infrastructure Maintenance Fee Act, see ILCS Ch. 35, Act 635, §§ 1 et seq.

§ 3.14.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROSS CHARGES. The amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications within the city, and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid.

GROSS CHARGES for private line service shall include charges imposed at each channel point within the city, charges for the channel mileage between each channel point within the city, and charges for that portion of the interstate inter-office channel provided within the city. However, **GROSS CHARGES** shall not include:

(1) Any amounts added to a purchaser's bill because of a charge made under:

(a) The fee imposed by this section;

(b) Additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act [see ILCS Ch. 220, Act 5, §§ 9-202, 9-221, 9-222, and 9-222.1];

(c) Amounts collected under Section 8-11-17 of the Illinois Municipal Code [ILCS Ch. 65, Act 5, § 8-11-17];

(d) The tax imposed by the Telecommunications Excise Tax Act [ILCS Ch. 35, Act 630, §§ 1 et seq.];

(e) 911 surcharges; or

(f) The tax imposed by Section 4251 of the Internal Revenue Code;

(2) Charges for a sent collect telecommunication received outside the city;

(3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) Charges to business enterprises certified under ILCS Ch. 220, Act 5, § 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the city;

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) Bad debts (***BAD DEBT*** means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) Charges paid by inserting coins in coin-operated telecommunications devices; or

(9) Charges for telecommunications and all services and equipment provided to the city.

PUBLIC RIGHT-OF-WAY. Any municipal street, alley, water or public right-of-way dedicated or commonly used for utility purposes, including utility easements wherein the city has acquired the right and authority to locate or permit the location of utilities consistent with telecommunications facilities. ***PUBLIC RIGHT-OF-WAY*** shall not include any real or personal city property that is not specifically described in the previous sentence and shall not include city buildings and other structures or improvements, regardless of whether they are situated in the public right-of-way.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. This, or any like term, means and includes any retailer having or maintaining within the state, directly or by a subsidiary, an office,

distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

SALE OF TELECOMMUNICATIONS AT RETAIL. The transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, air-to-ground systems, and the like, **SERVICE ADDRESS** shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent.

TELECOMMUNICATIONS. Includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, **TELECOMMUNICATIONS** shall also include wireless telecommunications as hereinafter defined. **TELECOMMUNICATIONS** shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. **TELECOMMUNICATIONS** shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. **TELECOMMUNICATIONS** shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or cable or other programming services subject to an open video system fee payable to the city through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended.

TELECOMMUNICATIONS PROVIDER.

(1) Any telecommunications retailer; and

(2) Any person that is not a telecommunications retailer that installs, owns, operates or controls equipment in the public right-of-way that is used or designed to be used to transmit telecommunications in any form.

TELECOMMUNICATIONS RETAILER or RETAILER or CARRIER. Includes every person engaged in the business of making sales of telecommunications at retail as defined in this section. The city may,

in its discretion, upon application, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the city, furnishes adequate security to ensure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within the city.

WIRELESS TELECOMMUNICATIONS. Includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104), 42 U.S.C. § 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.
(Ord. 1057, passed 6-20-98)

§ 3.14.020 REGISTRATION OF TELECOMMUNICATIONS PROVIDERS.

(A) Every telecommunications provider shall register with the city within 30 days after the effective date of this chapter (August 1, 1998) or becoming a telecommunications provider, whichever is later, on a form to be provided by the city, provided, however, that any telecommunications retailer that has filed a return pursuant to § 3.14.040(C) shall be deemed to have registered in accordance with this section.

(B) Every telecommunications provider who has registered with the city pursuant to § 3.14.020(A) has an affirmative duty to submit an amended registration form or current return as required by § 3.14.040(C), as the case may be, within 30 days from the date of the occurrence of any changes in the information provided by the telecommunications provider in the registration form or most recent return on file.

(Ord. 1057, passed 6-20-98)

§ 3.14.030 MUNICIPAL TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE.

(A) A telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of 1.0% of all gross charges charged by the telecommunications retailer to service addresses within the city for telecommunications originating or received in the city.

(B) Upon the effective date of the infrastructure maintenance fee authorized in this chapter, the city infrastructure maintenance fee authorized hereunder shall be the only fee or compensation for the use of all public rights-of-way within the city by telecommunications retailers. Imposition of the infrastructure maintenance fee provided under this chapter does not, however, serve as a limitation on the levying of any taxes or imposition of any fees otherwise authorized by law.

(C) The telecommunications infrastructure maintenance fee authorized by this section shall be collected, enforced, and administered as set forth in § 3.14.040.

(Ord. 1057, passed 6-20-98)

Statutory reference:

Limitation on municipal fee, see ILCS Ch. 35, Act 635, § 20

§ 3.14.040 COLLECTION, ENFORCEMENT, AND ADMINISTRATION OF TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEES.

(A) A telecommunications retailer shall charge to and collect from each customer an additional charge in an amount equal to the city infrastructure maintenance fee attributable to that customer's service address.

(B) Unless otherwise approved by the city, the infrastructure maintenance fee shall be remitted by the telecommunications retailer to the city not later than the last day of the month subsequent to the month in which a bill is issued to the customer; provided, however, that the telecommunications retailer may retain an amount not to exceed 2% of the city infrastructure maintenance fee collected by it to reimburse itself for expenses incurred in accounting for and remitting the fee.

(C) Remittance of the municipal infrastructure fee to the city shall be accompanied by a return, in a form to be prescribed by the city, which shall contain such information as may be reasonably required.

(D) Any infrastructure maintenance fee required to be collected pursuant to this chapter and any such infrastructure maintenance fee collected by such telecommunications retailer shall constitute a debt owed by the telecommunications retailer to the city. The charge imposed under § 3.14.040(A) by the telecommunications retailer shall constitute a debt of the purchaser to the telecommunications retailer who provides such services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for such services.

(E) If it shall appear that an amount of infrastructure maintenance fee has been paid that was not due under the provisions of this chapter, whether as a result of a mistake of fact or an error of law, then such amount shall be credited against any infrastructure maintenance fee due, or to become due, under this chapter, from the telecommunications retailer who made the erroneous payment; provided, however, the city may request, and telecommunications retailer shall provide, written substantiation for such credit. However, no claim for such credit may be made more than three years after the date of the erroneous payment unless:

(1) The credit is used only to offset a claim of underpayment made by the city within the applicable statutory period of limitations; and

(2) The credit derives from an overpayment made by the same telecommunications retailer during the applicable statutory period of limitations.

(F) Amounts paid under this chapter by telecommunications retailers shall not be included in the tax base under any of the following acts as described immediately below:

(1) "Gross charges" for purposes of the Telecommunications Excise Tax Act [ILCS Ch. 35, Act 630, §§ 1 et seq.];

(2) "Gross receipts" for purposes of the municipal utility tax as prescribed in § 8-11-2 of the Illinois Municipal Code [ILCS Ch. 65, Act 5, § 8-11-17];

(3) "Gross charges" for purposes of the municipal telecommunications tax as prescribed in § 8-11-17 of the Illinois Municipal Code [ILCS Ch. 65, Act 5, § 8-11-17];

(4) "Gross revenue" for purposes of the tax on annual gross revenue of public utilities prescribed in ILCS Ch. 220, Act 5, § 2-202 of the Public Utilities Act.

(G) The city shall have the right, in its discretion, to audit the books and records of all telecommunications retailers subject to this chapter to determine whether the telecommunications retailer has properly accounted to the city for the infrastructure maintenance fee. Any underpayment of the amount of the infrastructure maintenance fee due to the city by the telecommunications retailer shall be paid to the city plus 5% of the total amount of the underpayment determined in an audit, plus any costs incurred by the city in conducting the audit, in an amount not to exceed 5% of the total amount of the underpayment determined in an audit. Said sum shall be paid to the city within 21 days after the date of issuance of an invoice for same.

(H) The City Attorney, or his or her designee, may promulgate such further or additional regulations concerning the administration and enforcement of this chapter, consistent with its provisions, as may be required from time to time and shall notify all telecommunications retailers that are registered pursuant to § 3.14.020.

(Ord. 1057, passed 6-20-98)

§ 3.14.050 COMPLIANCE WITH OTHER LAWS.

Nothing in this chapter shall excuse any person or entity from obligations imposed under any law, including but not limited to:

(A) Generally applicable taxes; and

(B) Standards for construction on, over, under, or within, use of or repair of the public rights-of-way, including standards relating to free standing towers and other structures upon the public rights-of-way, as provided; and

(C) Any liability imposed for the failure to comply with such generally applicable taxes or standards governing construction on, over, under, or within, use of or repair of the public rights-of-way; and

(D) Compliance with any ordinance or provision of this code concerning uses or structures not located on, over, or within the right-of-way.

(Ord. 1057, passed 6-20-98)

§ 3.14.060 EXISTING FRANCHISES AND LICENSES.

Any franchise, license, or similar agreements between telecommunications retailers and the city entered into before the effective date of this chapter regarding the use of public rights-of-way shall remain valid according to and for their stated terms except for any fees, charges or other compensation to the extent waived.

(Ord. 1057, passed 6-20-98)

§ 3.14.070 PENALTIES.

Any telecommunications provider who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of this chapter shall be subject to fine in accordance with the general penalty provisions of this code.
(Ord. 1057, passed 6-20-98)

§ 3.14.080 ENFORCEMENT.

Nothing in this chapter shall be construed as limiting any additional or further remedies that the city may have for enforcement of this chapter.
(Ord. 1057, passed 6-20-98)

§ 3.14.090 SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this chapter 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.
(Ord. 1057, passed 6-20-98)

§ 3.14.100 CONFLICT.

This chapter supersedes all chapters or parts of chapters adopted prior hereto which are in conflict herewith, to the extent of such conflict.
(Ord. 1057, passed 6-20-98)

§ 3.14.110 REPEAL.

(A) Title 3 of the Municipal Code of the city is hereby amended by repealing Chapter 3.14, §§ 3.14.010 through 3.14.100 (the Telecommunications Infrastructure Maintenance Fee Ordinance) in its entirety, effective January 1, 2003, to be replaced by Chapter 3.15 pursuant to the Simplified Municipal Telecommunications Tax Act.

(B) If Public Act 92-0526, entitled the Simplified Municipal Telecommunications Tax Act, is repealed or becomes ineffective for any reason, or if Chapter 3.15 is repealed or becomes ineffective for any reason, then old Chapter 3.14 shall be deemed in full force and as of the date Public Act 92-0526 or Chapter 3.15 is repealed or becomes ineffective.
(Ord. 1261, passed 9-16-02)

CHAPTER 3.15: SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

Section

| | |
|----------|---|
| 3.15.010 | Definitions |
| 3.15.020 | Simplified municipal telecommunications tax imposed |
| 3.15.030 | Collection of tax by retailers |
| 3.15.040 | Returns to department |
| 3.15.050 | Resellers |

§ 3.15.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMOUNT PAID. The amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

DEPARTMENT. The Illinois Department of Revenue.

GROSS CHARGE. The amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. **GROSS CHARGE's** for private line service shall include charges imposed at each channel point within this state, and charges for that portion of the interstate inter-office channel provided within Illinois. However, **GROSS CHARGE** shall not include:

(A) Any amounts added to a purchaser's bill because of a charge made pursuant to:

- (1) The tax imposed by this chapter;
- (2) The tax imposed by the Telecommunications Excise Tax Act;
- (3) The tax imposed by Section 4251 of the Internal Revenue Code;
- (4) 911 surcharges; or

(5) Charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

(B) Charges for a sent collect telecommunication received outside of such municipality;

(C) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-share agreement;

(D) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(E) Charges to business enterprise certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(F) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(G) Bad debts (*bad debt* means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(H) Charges paid by inserting coins in coin-operated telecommunication devices; or

(I) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

INTERSTATE TELECOMMUNICATIONS. All telecommunications that either originate or terminate outside this state.

INTRASTATE TELECOMMUNICATIONS. All telecommunications that originate and terminate within this state.

PERSON. Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal or State governments, including state universities created by statute; or any city, town, county, or other political subdivision of this state.

PURCHASE AT RETAIL. The acquisition, consumption or use of telecommunications through a sale at retail.

RETAILER. Includes every person engaged in the business of making sales at retail as defined in this chapter. The Department may, in its discretion, upon application, authorize the collection of the tax hereby

imposed by any retailer not maintaining a place of business within this state, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this state in the same manner and subject to the same requirements as a retailer maintaining a place of business within this state. The permit may be revoked by the Department at its discretion.

RETAILER MAINTAINING A PLACE OF BUSINESS IN THIS STATE. Or any like term, means and includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this state.

SALE AT RETAIL. The transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the federal and state governments, and state universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

SERVICE ADDRESS. The location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, **SERVICE ADDRESS** shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

TAXPAYER. A person who individually or through his or her agents, employees, or permittees engage in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this chapter.

TELECOMMUNICATIONS. In addition to the meaning ordinarily and popularly ascribed to it, includes without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications services, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this chapter, *private line* means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. **TELECOMMUNICATIONS** shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol, of the information for purposes other than transmission. **TELECOMMUNICATIONS** shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications

service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered **TELECOMMUNICATIONS** subject to the tax imposed under this Act. For purposes of this chapter, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupations Tax Act.

(Ord. 1261, passed 9-16-02)

§ 3.15.020 SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX IMPOSED.

A tax is hereby imposed upon any and all of the following acts or privileges:

(A) The act or privilege of originating in the municipality or receiving in the municipality intrastate telecommunications by a person at a rate of 6%;

(B) The act or privilege of originating in the municipality or receiving in the municipality interstate telecommunications by a person at a rate of 6%. To prevent actual multistate taxation of the act or privilege that is subject to taxation under this subsection, any taxpayer, upon proof that the taxpayer has paid a tax in another state on such event, shall be allowed a credit against any tax enacted pursuant to or authorized by this chapter to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this state;

(C) The tax imposed by this chapter is not imposed on such act or privilege to the extent such act or privilege may not, under the Constitution and Statutes of the United States, be made the subject of taxation by the municipality.

(Ord. 1261, passed 9-16-02)

§ 3.15.030 COLLECTION OF TAX BY RETAILERS.

(A) The tax authorized by this chapter shall be collected from the taxpayer by a retailer maintaining a place of business in this state and shall be remitted by such retailer to the Department. Any tax required to be collected pursuant to or as authorized by this chapter and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the state. Retailers shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use, in the manner prescribed by the Department. The tax authorized by this chapter shall constitute a debt of the taxpayer to the retailer until paid, and, if unpaid, is recoverable at law in the same manner as the original charge for such sale at retail. If the retailer fails to collect the tax from the taxpayer, then the taxpayer shall be required to pay the tax directly to the Department in the manner provided by the Department.

(B) Whenever possible, the tax authorized by this chapter shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

(Ord. 1261, passed 9-16-02)

§ 3.15.040 RETURNS TO DEPARTMENT.

Commencing on February 1, 2003, the tax imposed under this chapter on telecommunications retailers shall be returned with appropriate forms and information as required by the Department

pursuant to the Illinois Simplified Municipal Telecommunications Tax Act (Public Act 92-526, Section 5-50) and any accompanying rules and regulations created by the Department to implement this Act.
(Ord. 1261, passed 9-16-02)

§ 3.15.050 RESELLERS.

(A) If a person who originates or receives telecommunications claims to be a reseller of such telecommunications, such person shall apply to the Department for a resale number. Such applicant shall state facts which will show the Department why such applicant is not liable for the tax authorized by this chapter on any of such purchases and shall furnish such additional information as the Department may reasonably require.

(B) Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify such number to the applicant. The Department may cancel any number which is obtained through misrepresentation, or which is used to send or receive such telecommunication tax-free when such actions in fact are not for resale, or which no longer applies because of the person's having discontinued the making of resales.

(C) Except as provided hereinabove in this chapter, the act or privilege of originating or receiving telecommunications in this state shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number from the Department and furnishes that number to the retailer in connection with certifying to the retailer that any sale to such person is non-taxable because of being a sale for resale.

(Ord. 1261, passed 9-16-02)

CHAPTER 3.16 HOTEL AND MOTEL ACCOMMODATIONS TAX

Section

| | |
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| 3.16.010 | Entitlement |
| 3.16.020 | Definitions |
| 3.16.030 | Imposition of tax |
| 3.16.040 | Liability for payment |
| 3.16.050 | Collection of tax |
| 3.16.060 | Filing of return |
| 3.16.070 | Failure to pay, collect or remit tax |
| 3.16.080 | Records |
| 3.16.090 | Exemption |
| 3.16.100 | Suspension or revocation of licenses for failure to comply; hearing |
| 3.16.110 | Disposition of proceeds of tax |
| 3.16.120 | Penalty |
| 3.15.125 | Interest charged on late payment |
| 3.16.130 | Application of Chapter 3.02 of the Municipal Code |

§ 3.16.010 ENTITLEMENT.

This chapter shall be known and cited as the “City of Crest Hill Hotel and Motel Accommodations Tax Chapter” and the tax herein imposed shall be known and cited as the “City of Crest Hill Hotel and Motel Accommodations Tax.”

(Ord. 1183, passed 2-20-01)

§ 3.16.020 DEFINITIONS.

For the purposes of this chapter, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this chapter.

CITY TREASURER. The Treasurer of the City of Crest Hill or his designated representative.

HOTEL ACCOMMODATIONS; MOTEL ACCOMMODATIONS. A room or rooms in any building or structure kept, used, maintained, advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, dormitory or place, where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals.

PERMANENT RESIDENT. Any person who occupies or has the right to occupy any room or rooms in a hotel or motel for at least 30 consecutive days.

PERSON. Any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity trust, estate, firm, copartnership, joint venture, club, company, business trust, domestic or

foreign, corporation, association, syndicate, society, or any group of individuals acting as a unit whether mutual, cooperative, fraternal, nonprofit, or otherwise. Whenever the term "Person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean that the owners or part owners thereof, and as applied to corporations, the officers thereof.

(Ord. 1183, passed 2-20-01)

§ 3.16.030 IMPOSITION OF TAX.

There is hereby imposed and shall immediately accrue and be collected, a tax upon the rental or leasing of any hotel or motel accommodation in the city at the rate of 5% of the gross rental or leasing charge.

(Ord. 1183, passed 2-20-01)

§ 3.16.040 LIABILITY FOR PAYMENT.

The ultimate incidence of and liability for payment of the tax shall be borne by the lessee or tenant of any such hotel or motel accommodations. The tax herein levied shall be in addition to any and all other taxes. It shall be the duty of every owner, manager or operator of hotel or motel accommodations to secure the tax from the lessee or tenant of the hotel or motel accommodations and remit to the city the tax under rules and regulations prescribed by the Treasurer and as otherwise provided by this chapter.

(Ord. 1183, passed 2-20-01)

§ 3.16.050 COLLECTION OF TAX.

The tax herein levied shall be secured by the hotel owner, manager or operator from the lessee or tenant when collecting the price, charge or rent to which it applies. Every lessee or tenant shall be given a bill, invoice, receipt or other statement or memorandum of the price, charge or rent payable upon which the hotel or motel accommodations tax shall be stated, charged, and shown separately.

(Ord. 1183, passed 2-20-01)

§ 3.16.060 FILING OF RETURN.

Every owner, manager or operator of hotel or motel accommodations within the city shall file a tax return on a quarterly basis with the Treasurer on forms prescribed by the Treasurer, showing tax receipts received with respect to hotel or motel accommodations rented or leased during the preceding quarterly period. At the time of filing of the tax return, the owner, manager or operator of hotel or motel accommodations shall remit to the city all taxes collected for the period to which the tax return applies. The dates upon which the quarterly returns are to be filed shall be provided by rules and regulations promulgated by the Treasurer.

(Ord. 1183, passed 2-20-01)

§ 3.16.070 FAILURE TO PAY, COLLECT OR REMIT TAX.

If for any reason any tax is not collected or remitted when due, interest and penalties shall be assessed in accordance with § 3.02.110 of the Municipal Code. Whenever any person shall fail to pay,

collect, or remit any tax or penalty as herein provided, upon the request of the Treasurer, the corporation counsel shall bring or cause to be, brought an action to enforce compliance in any court of competent jurisdiction.

(Ord. 1183, passed 2-20-01)

§ 3.16.080 RECORDS.

Every owner, manager or operator of hotel accommodations in the city shall keep books and records showing the prices, rents or charges made or charged, and occupancies taxable under this chapter. The Treasurer or his designated representative shall at all reasonable times have full access to the books and records under § 3.02.080 of the Municipal Code.

(Ord. 1183, passed 2-20-01)

§ 3.16.090 EXEMPTION.

The tax imposed under this chapter shall not be apply to the renting or leasing of any hotel or motel accommodations to permanent residents. If hotel or motel accommodations are provided for both permanent residents and other guests, the rental obtained from permanent residents shall not be included in the computation of the tax due.

(Ord. 1183, passed 2-20-01)

§ 3.16.100 SUSPENSION OR REVOCATION OF LICENSES FOR FAILURE TO COMPLY; HEARING.

If the Mayor, after hearing held by or for him, shall find that any person has wilfully avoided collection or remittance of the tax imposed by this chapter, he may suspend or revoke all city licenses held by the person. The owner, manager or operator of the hotel or motel accommodations shall have any opportunity to be heard and such hearing to be held in accordance with Chapter 3.02 of the Municipal Code. The suspension or revocation of any license shall not release or discharge the owner, manager or operator of hotel or motel accommodations from his civil liability for the collection or remittance of the tax nor for prosecution of such offense.

(Ord. 1183, passed 2-20-01)

§ 3.16.110 DISPOSITION OF PROCEEDS OF TAX.

All proceeds resulting from the imposition of the tax under this chapter, including penalties, shall be paid into the treasury of the city and shall be credited to and deposited in the corporate fund of the city to be used solely for the purpose of promoting tourism and conventions within the city, and at attracting non resident overnight visitors to the city.

(Ord. 1183, passed 2-20-01)

§ 3.16.120 PENALTY.

Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this chapter, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than \$25 nor more that \$500. Each day of violation shall constitute a separate and distinct offense.

(Ord. 1183, passed 2-20-01)

§ 3.16.125 INTEREST CHARGED ON LATE PAYMENT.

If payment of the Accommodations Tax is not made on a timely basis each quarter, the City Treasurer and/or City Clerk shall charge the owner or proprietor interest at the rate of 2% per month, compounded monthly. The interest rate shall be charged on the entire balance of the Accommodations Tax for the applicable quarter, whether or not the proprietor pays part or all of the tax due for that quarter.
(Ord. 1226, passed 2-19-02)

§ 3.16.130 APPLICATION OF CHAPTER 3.02 OF THE MUNICIPAL CODE.

Chapter 3.02 of the Municipal Code (“Locally Imposed and Administered Tax Rights and Responsibility Chapter”) shall govern the procedures for enforcement of this Chapter 3.16.
(Ord. 1183, passed 2-20-01)

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CHAPTER 3.17: MUNICIPAL AUTOMOBILE RENTING OCCUPATION TAX

Section

- 3.17.010 Tax imposed
- 3.17.020 Return required
- 3.17.030 Tax due with filing of return

§ 3.17.010 TAX IMPOSED.

A tax is hereby imposed upon all persons engaged in the business of renting automobiles in the city at the rate of 1% of the gross receipts from such rentals made in the course of such business in accordance with the provisions of the Municipal Automobile Renting Occupation Tax Act (ILCS Ch. 65, Act 5, § 8-11-7). (Ord. 1456, passed 7-7-08)

§ 3.17.020 RETURN REQUIRED.

Every such person engaged in such business in the city shall file on the date specified therein a return with the State Department of Revenue as required by Section 3 of the Retailer's Occupation Tax Act (ILCS Ch. 35, Act 120, § 3). (Ord. 1456, passed 7-7-08)

§ 3.17.030 TAX DUE WITH FILING OF RETURN.

At the time such return is filed, such person shall pay to the State Department of Revenue the amount of tax hereby imposed on account of receipts from the renting of automobiles during the preceding month. (Ord. 1456, passed 7-7-08)

CHAPTER 3.18: ELECTRIC UTILITY TAX

Section

- 3.18.010 Definitions
- 3.18.020 Tax imposed
- 3.18.030 Exception
- 3.18.040 Collection of taxes
- 3.18.050 Tax remittance and return
- 3.18.060 Resales
- 3.18.070 Books; records
- 3.18.080 Credits; refunds

§ 3.18.010 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Crest Hill, Will County, Illinois.

PERSON. Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation limited liability company, municipal corporation, the State or any of its political subdivisions, any state university created by statute, or a receiver, trustee, conservator or other representative appointed by order of any court.

PERSON MAINTAINING A PLACE OF BUSINESS IN THIS STATE. Any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

PURCHASE AT RETAIL. Any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-2), directly in the generation, production, transmission, delivery or sale of electricity.

PURCHASER. Any person who uses or consumes, within the corporate limits of the city, electricity acquired in a purchase at retail.

TAX COLLECTOR. The person delivering electricity to the purchaser.
(Ord. 1461, passed 7-21-08)

§ 3.18.020 TAX IMPOSED.

(A) Effective first utility billing possible after September 1, 2019, pursuant to Section 8-11-2 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-2) and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the city at the following rates, calculated on a monthly basis for each purchaser:

| <i>Consumption</i> | <i>Rate</i> |
|--|-------------|
| First 2,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.61 cents |
| Next 48,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.40 cents |
| Next 50,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.36 cents |
| Next 400,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.35 cents |
| Next 500,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.34 cents |
| Next 2,000,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.32 cents |
| Next 2,000,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.315 cents |
| Next 5,000,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.31` cents |
| Next 10,000,000 kilowatt-hours used or consumed in a month, per kilowatt-hour | 0.305 cents |
| For all electricity used of consumed in excess of 20,000,000 kilowatt-hours in a month, per kilo-watt hour | 0.30 cents |

(B) This tax is in addition to all taxes, fees and other revenue measures imposed by the city, the State of Illinois or any other political subdivision of the State.

(Ord. 1461, passed 7-21-08; Am. Ord. 1534, passed 7-19-10; Am. Ord. 1568, passed 7-18-11; Am. Ord. 1820, passed 8-19-19)

§ 3.18.030 EXCEPTION.

Notwithstanding any other provision of this chapter, the tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or Statutes of the United State or the Constitution or Statutes of the State of Illinois.

(Ord. 1461, passed 7-21-08)

§ 3.18.040 COLLECTION OF TAXES.

(A) Subject to the provision of § 3.18.060 regarding the delivery of electricity to resellers, the tax imposed under this chapter shall be collected from purchasers by the person maintaining a place of business in this State who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.

(B) Any tax required to be collected by this chapter, and any tax in fact collected, shall constitute a debt owed to the city by the person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax.

(C) Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to 3% of the tax they collected to reimburse them for their expenses incurred in keeping records, billing customers, preparing for filing returns, remitting the tax and supplying data to the city upon request. For purposes of this chapter, any partial payment of a billed amount not specifically identified by the purchaser shall be deemed to be for the delivery of electricity. (Ord. 1461, passed 7-21-08)

§ 3.18.050 TAX REMITTANCE AND RETURN.

(A) Every tax collector shall on a monthly basis file a return in a form prescribed by the City Administrator. The return and accompanying remittance shall be due on or before the last day of the month following the month during which the tax is collected.

(B) If the person delivering electricity fails to collect the tax from the purchaser, then the purchaser shall file a return in a form prescribed by the City Administrator and pay the tax directly to the city on or before the last day of the month following the month during which the electricity is used or consumed. (Ord. 1461, passed 7-21-08)

§ 3.18.060 RESALES.

(A) Electricity that is delivered to a person in this city shall be considered to be for use and consumption by that person unless the person receiving the electricity has an active resale number issued by the city and furnishes that number to the person who delivers the electricity, and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.

(B) If a person who receives electricity in the city claims to be an authorized reseller of electricity, that person shall apply to city for a resale number. The applicant shall state facts showing why it is not liable for the tax imposed by this chapter on any purchases of electricity and shall furnish such additional information as the city may reasonably require.

(C) Upon approval of the application, the city shall assign a resale number to the applicant and shall certify the number to the applicant.

(D) The city may cancel the resale number of any person if the person fails to pay any tax payable under this chapter for electricity used or consumed by the person, or if the number:

- (1) Was obtained through misrepresentation; or
- (2) Is no longer necessary because the person has discontinued making resales.

(E) If a reseller has acquired electricity partly for use or consumption and partly for resale the reseller shall pay the tax imposed by this chapter directly to the city pursuant to § 3.18.050 herein on the amount of electricity that the reseller uses or consumes and shall collect the tax pursuant to § 3.18.040 herein and remit the tax pursuant to § 3.18.050 herein on the amount of electricity delivered by the reseller to a purchaser.

(F) Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of this section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the city the total amount of electricity delivered to the reseller and such other information that the city may reasonably require.

(Ord. 1461, passed 7-21-08)

§ 3.18.070 BOOKS; RECORDS.

Every tax collector, and every taxpayer required to pay the tax imposed by this chapter shall keep accurate books and records of its business or activity including contemporaneous books and records denoting the transactions that gave rise or may have given rise, to any tax liability under this chapter. The books and records shall be subject to and available for inspection at all times during business hours of the day.

(Ord. 1461, passed 7-21-08)

§ 3.18.080 CREDITS; REFUNDS.

Notwithstanding any other provision of this chapter, in order to permit sound fiscal planning and budgeting by the city no person shall be entitled to a refund of, or credit for a tax imposed under this chapter unless the person files a claim for refund or credit within three years after the date on which the tax was paid or remitted.

(Ord. 1461, passed 7-21-08)

CHAPTER 3.19: MUNICIPAL UTILITY TAX

Section

- 3.19.010 Tax imposed
- 3.19.020 Exception
- 3.19.030 In addition to other compensation payable to city
- 3.19.040 Definitions
- 3.19.050 Effective date
- 3.19.060 Return required
- 3.19.070 Credits; refunds
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- 3.19.090 Service upon affected utility companies
- 3.19.100 Penalty

§ 3.19.010 TAX IMPOSED.

A tax is imposed on all persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the City of Crest Hill, Illinois and not for resale, at the rate of 5% of the gross receipts therefrom.

(Ord. 1462, passed 7-21-08; Am. Ord. 1535, passed 7-19-10; Am. Ord. 1569, passed 7-18-11; Am. Ord. 1821, passed 8-19-19)

§ 3.19.020 EXCEPTION.

No tax is imposed by this chapter with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and Statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas be subject to taxation under the provisions of this chapter for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1 of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-1).

(Ord. 1462, passed 7-21-08)

§ 3.19.030 IN ADDITION TO OTHER COMPENSATION PAYABLE TO CITY.

Such tax shall be in addition to the payment of money, or value of products or services furnished to this municipality by the taxpayer as compensation for the use of its streets, alleys, or other public places, or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

(Ord. 1462, passed 7-21-08)

§ 3.19.040 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GROSS RECEIPTS. The consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, as the case may be; and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services and property of every kind and material and for all services rendered therewith; and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever; provided, however that **GROSS RECEIPTS** shall not include any amounts specifically excluded from the definition of "gross receipts" in Section 8-11-2(d) of the Illinois Municipal Code (ILCS Ch. 65, Act 5, § 8-11-2(d)).

PERSONS. Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any state university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.
(Ord. 1462, passed 7-21-08)

§ 3.19.050 EFFECTIVE DATE.

This chapter shall take effect after publication and the tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for services billed on or after the first day of August, 2008.
(Ord. 1462, passed 7-21-08)

§ 3.19.060 RETURN REQUIRED.

(A) On or before the last day of September, 2008 each taxpayer shall make a return to the City Treasurer for the month of August, stating:

- (1) His or her name;
- (2) His or her principal place of business;
- (3) His or her gross receipts during those months upon the basis of which the tax is imposed;
- (4) Amount of tax;
- (5) Such other reasonable and related information as the corporate authorities may require.

(B) On or before the last day of every month thereafter, each taxpayer shall make a like return to the City Treasurer for a corresponding one-month period.

(C) The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he or she so elects, report and pay an amount based upon his or her total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

(Ord. 1462, passed 7-21-08)

§ 3.19.070 CREDITS; REFUNDS.

If it shall appear that an amount of tax has been paid which was not due under the provisions of this chapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this chapter from the taxpayer who made the erroneous payment; provided that no amounts erroneously paid more than three years prior to the filing of a claim therefor shall be so credited.

(Ord. 1462, passed 7-21-08)

§ 3.19.080 STATUTE OF LIMITATIONS.

No action to recover any amount of tax due under the provisions of this chapter shall be commenced more than three years after the due date of such amount.

(Ord. 1462, passed 7-21-08)

§ 3.19.090 SERVICE UPON AFFECTED UTILITY COMPANIES.

The City Clerk is hereby directed to send a certified copy of Ordinance No. 1462, passed 7-21-08, to each utility company affected by this chapter.

(Ord. 1462, passed 7-21-08)

§ 3.19.100 PENALTY.

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$100 nor more than \$750 and in addition shall be liable in a civil action for the amount of tax due.

(Ord. 1462, passed 7-21-08)

