

Chapter 8 - TAXES

ARTICLE 1. - MOTOR VEHICLE TAX

8.1.01. - Definition.

Whenever the term "Motor Vehicle" is used in this Chapter, it shall be construed to include passenger vehicles, trucks, buses, motorcycles, motor bicycles, motor scooters and all vehicles propelled otherwise than by muscular power, except traction engines and road rollers, the cars of electric and steam railways, and other motor vehicles running only upon rails or tracks; but, nothing in this Chapter shall be construed to affect bicycles or tricycles, or other propelled exclusively by muscular power.

8.1.02. - Persons Subject to Licenses.

Every owner or operator of a motor vehicle who resides within the City or registers a motor vehicle with the Secretary of State, State of Illinois, at a city address, or in which a vehicle has its situs or base and such vehicle does not bear a valid vehicle tax sticker from another Illinois municipality, except commercial motor vehicles as defined in Section 18b-101(2) of the Illinois Motor Vehicle Code that are registered under Section 3-402.1 of the Illinois Motor Vehicle Code shall be subject to a motor vehicle license fee, as hereinafter provided, for the use of such vehicle upon any public street or alley within the City.

8.1.03. - Fees.

The annual fees to be paid for vehicle licenses shall be as follows:

- a. Passenger Vehicles\$25.00
- b. Trucks or Buses with the following Class of Licenses from the State of Illinois:
 - Class "A" "B" and "RV"\$25.00
 - Class "D, F, H, J, K, L, N"\$35.00
 - Class "P, R, S, T, V, VDB, X, Z"\$50.00
- c. Municipally Owned Vehicles:
 - "M" PlatesFree
- d. Motorcycles and Motor Driven Cycles\$18.00
- e. All other Motor Vehicles not listed above\$25.00
- f. One-Half Year Fees: Any owner or operator whose motor vehicle becomes subject to the tax or license fees between January 1 and June 30 of that license year shall be subject to one-half (½) of the fee herein required.
- g. Owners or Operators over 65 Years of Age: Any owner or operator who is or will be 65 years of age on or before the last day specified for paying the annual fee herein provided, shall be issued a license for the license year for no more than two (2) passenger vehicles per household upon application to the

City Clerk and payment of \$10.00 fee. Such application shall be accompanied by proper proof of the age of the applicant, and further provided that any owner or operator who becomes subject to the tax or license fee after December 31 of the license year, shall be issued a license for the license year in accordance with the provisions of subsection f. of this Section 8.1.03.

- h. Disabled Veterans: Any owner or operator who is a disabled veteran on or before the last day specified for paying the annual fee herein provided for, shall be issued a license for the license year for one (1) passenger vehicle upon application to the City Clerk at no charge. Satisfactory proof that the applicant is a disabled veteran must be furnished by such applicant, by providing a Disabled Veterans Vehicle Registration card from the State of Illinois.
- i. New Residents: Any owner or operator of a motor vehicle, who has resided in the City for thirty (30) days shall be required to purchase a license upon application to the City Clerk and payment of the appropriate fee based on classification and remaining year.
- j. Persons with Disabilities: Any owner or operator who is disabled on or before the last day specified for paying the annual fee herein provided, shall be issued a license for the license year for one (1) passenger vehicle per household upon application to the City Clerk and payment of a \$10.00 fee. Such application shall be accompanied by proper proof of ownership of the vehicle, exhibiting a valid, current state vehicle license registration certificate, a valid driver's license and documentation evidencing a valid, current handicapped parking permit from the State of Illinois.

8.1.04. - Dealer License.

The vehicle sticker, issued to dealers in motor vehicles for motor vehicles held for sale and vehicle so held and used by the same dealer; provided that such dealers shall procure one license for each motor vehicle so held by him at any one time during the year. Except that such dealer shall not be required to obtain more vehicle stickers than a number equal to the total number of employees of his business establishment. For the purpose of this section, the term "employee" shall be deemed to include a sole proprietor, partners, or officers or directors of a corporation.

8.1.05. - Application—Issuance.

Every owner or operator of a motor vehicle required to obtain a license for such motor vehicle as herein provided, shall file an application with the City or it's agent as authorized by the City Council, setting forth the name and address of the applicant and a description of the motor vehicle sufficient to apply the appropriate license fee for which the license is required. Upon payment of the fee herein provided, the City or it's agent shall issue or cause to be issued a license which shall be attested by the City Clerk authorizing the use of such motor vehicle within the City until the expiration of the license.

No license shall be issued to any applicant for a vehicle subject to the provisions of this Chapter, if the applicant failed to obtain such license, until the license fee for the previous year is paid.

8.1.06. - License Year—Time of Payment.

Such tax or license fee shall be paid annually for each license year beginning July 1st and ending the succeeding June 30th. Such tax or license fee shall be paid for and displayed not later than 12:01 a.m. on July 1st each calendar year. Payment of said tax or license fees on or after 12:01 a.m. July 1st shall be subject to a late fee of double the price of the sticker if purchased on time, with the following exceptions: (1) Any owner purchasing a vehicle shall be allowed thirty (30) days to pay the license fees; and (2) any new resident shall be allowed thirty (30) days after moving in to pay the license fee before becoming subject to the late fee.

The expiration date of licenses purchased in 1990 shall be extended two months from April 30, 1991 to June 30, 1991.

8.1.07. - Transfer.

Upon the sale or transfer of a motor vehicle which was duly licensed under this law before such sale or transfer, the vendor or transferor shall cause to be removed such City license for motor vehicle so sold or transferred and the license so issued shall cease to apply to said vehicle. A motor vehicle license may be transferred from one motor vehicle to another. Upon application and payment of a transfer fee of one dollar (\$1.00), the City shall issue to the owner or operator a new license for any other vehicle which he owns or operates and which required the same or lower fee under this ordinance. If the license is being transferred to a motor vehicle which requires a higher tax or license fee, the fee of the license being transferred shall apply against the new fee. A motor vehicle license shall not be transferable from one owner to another.

8.1.08. - Vehicle Sticker.

Upon payment of the specified fee, each applicant shall be given a vehicle sticker of such design and material as may be approved by the City Council. Said vehicle sticker shall be fastened in a prominent place in the lower right hand corner of the front windshield. All expired vehicle tax stickers shall be removed from the windshield. In vehicles not having a windshield, the vehicle sticker shall be placed in a prominent place on the vehicle.

8.1.09. - Use of Funds.

All revenue derived from such license fee, except for the cost of issuing the vehicle stickers and collecting the fees, shall be used for repairs to and maintenance of streets and police protection costs of the amount collected, no more than thirty-five percent (35%) may be expended to defray the costs of police protection.

8.1.10. - Penalty.

Any person, firm, or corporation who violates, disobeys, commits, neglects, refuses to comply with, or resists the enforcement of any provision of this Chapter shall be subject to a penalty as prescribed in Chapter 10 of this Code. Each day a violation is permitted to exist or continue shall constitute a separate offense.

ARTICLE 2. - MUNICIPAL SERVICE OCCUPATION TAX

8.2.01. - Imposed.

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of one percent (1%) of the cost price of all tangible personal property transferred by said servicemen either in the form of tangible personal property or in the form of real estate as an incident to sale of service, in accordance with the provisions of Section 8-11-5 of the Illinois Municipal Code.

8.2.02. - Filing of Report.

Every supplier or serviceman required to account for Municipal Service Occupation Tax for the benefit of this municipality shall file, on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Nine of the "Service Occupation Tax Act," approved July 10, 1961, as amended.

8.2.03. - Payment.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.

ARTICLE 3. - MUNICIPAL RETAILERS' OCCUPATION TAX

8.3.01. - Imposed.

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property at retail in this City at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business while this ordinance is in effect, in accordance with the provisions of Section 8-11-1 of the Illinois Municipal Code.

8.3.02. - Filing of Report.

Every such person engaged in such business in the city shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Section Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 28, 1933, as amended.

8.3.03. - Payment.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

ARTICLE 4. - MUNICIPAL USE TAX

8.4.01. - Imposed.

A tax is hereby imposed in accordance with provisions of Section 8-11-6 of the Illinois Municipal Code upon the privilege of using in the municipality 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 one percent (1%) of the selling price of such tangible property with selling price to have the meaning as defined in the Use Tax Act, approved July 14, 1955.

8.4.02. - Collection; Payment.

Such tax shall be collected by the Illinois Department Revenue for all municipalities imposing the tax and shall be paid before the title or certificate of registration for the personal property is issued.

ARTICLE 5. - MUNICIPAL RENTING OCCUPATION TAX

8.5.01. - Imposed.

A tax is hereby imposed upon all persons engaged in the business of renting automobiles in the City of Country Club Hills, Illinois at the rate of one percent (1%) of the gross receipts from such rentals made in the course of such business while this Ordinance is in effect, in accordance with the provisions of Section 8-11-7 of the Illinois Municipal Code.

8.5.02. - Filing of Report.

Every such person engaged in such business in the City of Country Club Hills, Illinois shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Sections Two and Three of "An Act in Relation to a Tax upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 29, 1933, as amended.

8.5.03. - Payment.

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding month.

8.5.04. - Certified Copy of Ordinance.

The City Clerk is hereby directed to transmit to the State Department of Revenue a certified copy of this Ordinance not later than five days after the effective date of this Ordinance.

8.5.05. - Effective Date.

This Ordinance shall be effective on the first day of the calendar month next following publication as provided in Municipal Code Section 1-2-4. Certified proof of publication shall be forwarded to the Illinois Department of Revenue along with the certified copy of this Ordinance as required by Section 8.5.04.

ARTICLE 6. - MUNICIPAL AUTOMOBILE RENTING USE TAX

8.6.01. - Imposed.

A tax is hereby imposed upon the privilege of using the City of Country Club Hills, Illinois as automobile which is rented from a renter outside Illinois and which is titled or registered with an agency of this State's government in the City of Country Club Hills at the rate of one percent (1%) of the rental price of such automobile while this ordinance is in effect, in accordance with the provisions of Section 5-11-8 of the Illinois Municipal Code.

8.6.02. - Collection.

The tax provided for in this ordinance shall be collected from the persons whose Illinois address for titling or registration purposes is given as being in the City of Country Club Hills, Illinois.

8.6.03. - Payment.

The tax imposed by this ordinance shall be paid to the Illinois Department of Revenue.

8.6.04. - Certified Copy of Ordinance.

The City Clerk is hereby directed to transmit to the State Department of Revenue a certified copy of this Ordinance not later than five (5) days after the effective date of this ordinance.

8.6.05. - Effective Date.

This Ordinance shall be effective on the first day of the second calendar month next following publication as provided in the Municipal Code Section 1-2-4. Certified proof of publication shall be forwarded to the Illinois Department of Revenue along with the certified copy of this ordinance required by Section 8.6.04.

ARTICLE 7. - UTILITY TAX

8.7.01. - Imposed.

A tax is hereby imposed in accordance with the provisions of Section 5/8-11-2 of the Illinois Municipal Code, 65 ILCS 5/8-11-2, upon all persons engaged in the following occupations or privileges at the specified rates:

- a. Persons engaged in the business of transmitting messages by means of electricity at a rate of 5% of the gross receipts from such business originating within the corporate limits of the City.

- b. Persons engaged in the business of distributing, supplying, furnishing or selling gas for the use or consumption within the corporate limits of the City and not for resale at a rate of 5% of the gross receipts therefrom.
- c. Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the City and not for resale at a rate of 5% of the gross receipts therefrom. The tax imposed under this Section shall not apply with respect to gross receipts pertaining to bills for the distribution, supply, furnishing or sale of electricity where the use or consumption of the electricity is subject to the tax imposed under Section 8.7.08, "Tax Imposed."

8.7.02. - Exceptions.

None of the taxes authorized by this Ordinance shall be imposed within 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 the subject of taxation by the City; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas or electricity or engaged in the business of transmitting messages be subject to taxation under the provisions of this Ordinance for such transactions as are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 5/8-11-1 of the Illinois Municipal Code, 65 ILCS 5/8-11-1.

8.7.03. - Tax in Addition to Payment for Products or Services.

The taxes imposed herein are in addition to the payment of money or value of products or services furnished to the City by the taxpayer as compensation for the use of its streets, alleys or other public places or installations and maintenance therein, thereon or thereunder of poles, wire, pipes or other equipment used in the operation of the taxpayer's business.

8.7.04. - Definitions.

For purposes of this Article 7, the following definitions shall apply:

City means the City of Country Club Hills.

City Collector means the person delivering electricity to the purchaser.

Gross receipts means the consideration received for the transmission of messages, the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing or selling electricity for use or consumption and not for resale, 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 costs of transmitting such messages, without any deduction on account of the cost of the service, product, or commodity supplies, the costs of materials used, labor or service cost, or any other expenses whatsoever.

Person means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, and 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 means 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.

Public Utility shall have the meaning ascribed to it in Section 5/3-105 of the "Public Utilities Act," approved June 29, 1921, as amended, 220 ILCS 5/3-105.

Purchase at retail means any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the rise of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2), directly in the generation, production, transmission, delivery or sale of electricity.

Purchaser means any person who uses or consumes, within the corporate limits of the City, electricity acquired in a purchase at retail (other than an Exempt Purchaser).

Transmitting messages, in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration of services or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where such persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by such persons to other persons, for the transmission of messages.

8.7.05. - Effective Date.

The tax provided for herein shall be based on the gross receipts, as herein defined, actually paid to the taxpayer for service billed on or after the 11th of July, 1986.

8.7.06. - Returns.

- a. On or before the last day of August, 1986, each taxpayer shall make a return to the City Treasurer for the month of July, 1986, stating:
 1. Its name;
 2. Its principal place of business;
 3. Its gross receipts during those months upon the basis of which the tax is imposed;

4. Amount of tax; and
5. Such other reasonable and related information as the corporate authorities may require.
- b. On or before the last day of every calendar month thereafter, each taxpayer shall make a like return to the City Treasurer for the corresponding monthly period ending with the last day of the calendar month preceding the return date.
- 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 so elects, report and pay an amount based upon his 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.

8.7.07. - Application of Telecommunication Tax by Article 8 of This Chapter.

The tax heretofore imposed, pursuant to Article 7, Section 8.7.01(a) of this Chapter, upon persons engaged in the business of transmitting messages by means of electricity, at the rate of five (5) percent of the gross receipts from such business originating within the corporate limits of the City, shall not be imposed during such time as the tax imposed by Article 8 of this Chapter is in effect. In the event the tax imposed by Section 8.3.03(a)(2) is declared unconstitutional or otherwise invalid, but the tax provided for in Section 8.3.03(a)(1) remains in full force and effect, the tax provided for pursuant to Article 7 on business of transmitting messages as aforesaid, shall not be imposed.

8.7.08. - Tax Imposed—Proportional Method.

- a. Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 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:
 1. For the first 2,000 kilowatt-hours used or consumed in a month: .571 cents per kilowatt-hour.
 2. For the next 48,000 kilowatt-hours used or consumed in a month: .375 cents per kilowatt-hour.
 3. For the next 50,000 kilowatt-hours used or consumed in a month: .337 cents per kilowatt-hour.
 4. For the next 400,000 kilowatt-hours used or consumed in a month: .328 cents per kilowatt-hour.
 5. For the next 500,000 kilowatt-hours used or consumed in a month: .318 cents per kilowatt-hour.
 6. For the next 2,000,000 kilowatt-hours used or consumed in a month: .30 cents per kilowatt-hour.
 7. For the next 2,000,000 kilowatt-hours used or consumed in a month: .295 cents per kilowatt-hour.
 8. For the next 5,000,000 kilowatt-hours used or consumed in a month: .29 cents per kilowatt-hour.
 9. For the next 10,000,000 kilowatt-hours used or consumed in a month: .286 cents per kilowatt-hour.
 10. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours used or consumed in a month: .281 cents per kilowatt-hour.
- b. The 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.

- c. 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 States or the Cons of the State of Illinois.
- d. The tax shall be imposed with respect to the use or consumption of electricity by residential customers beginning with the first bill issued on or after November 1, 1998; and with respect to the use or consumption of electricity by non-residential customers, beginning with the first bill issued to such customers for delivery services in accordance with Section 16-104 of the Public Utilities Act (220 ILCS 5/16-104), or the first bill issued to such customers on or after January 1, 2001, whichever issuance occurs sooner.

8.7.09. - Collection of Tax.

- a. Subject to the provisions of Section 8.7.11, "Resales," regarding the delivery of electricity to resellers, the tax imposed under Section 8.7.08, shall be collected from purchasers by the person maintaining a place of business in this State 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, 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 three (3%) percent of the tax they collect to reimburse them for their expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supply 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.

8.7.10. - Tax Remittance and Return.

- a. Every tax collector shall on a monthly basis file a return in a form prescribed by the City. 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 or is required to be collected under Section 8.7.09, "Collection of Tax."
- b. If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under Section 8.7.11 e.2., then the purchaser shall file a return in a form prescribed by the City 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.

8.7.11. - Resales.

- a. Electricity that is delivered to a person in the 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 the 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. 1. 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 subsection b. of Section 8.7.10, "Tax Remittance and Return," on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 8.7.09, "Collection of Tax," and remit the tax pursuant to subsection a of Section 8.7.10, "Tax Remittance and Return," on the amount of electricity delivered by the reseller to a purchaser.
- 2. 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 to the reseller, and such other information that the City may reasonably require.

8.7.12. - Books and Records.

Every tax collector and every taxpayer required to pay the tax imposed by this Chapter shall keep accurate books and record 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.

8.7.13. - Credits and Refunds.

Notwithstanding any other provision in 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 one (1) year after the date on which the tax was paid or remitted to the City of Country Club Hills. If any tax payer under this Chapter is unable to use a credit authorized by this section solely because the tax imposed by Section 8.7.01 has been replaced by the tax imposed under Section 8.7.08 "Tax Imposed." then the taxpayer may apply such credit against any tax due under Section 8.7.08.

ARTICLE 8. - MUNICIPAL TELECOMMUNICATIONS TAX

8.8.01. - General.

This Article shall be known and cited as the "City of Country Club Hills Telecommunications Tax Ordinance." The tax imposed by this Article shall be known as the "Country Club Hills Telecommunications Tax" and is imposed in addition to all other taxes imposed by the City of Country Club Hills, the state of Illinois or any other municipal corporation or political subdivision thereof.

8.8.02. - Definitions.

For the purposes of this article, the following definitions shall apply:

Amount paid shall mean the amount charged to the taxpayer's service address located in the City regardless of where such amount is billed or paid.

Bad debt shall mean 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 by applicable federal income tax standards.

City shall mean the City of Country Club Hills, Illinois.

Gross charge shall mean the amount paid for the act or privilege of originating or receiving telecommunications in the City and for all services rendered in connection therewith, valued 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 charge" shall not include:

- (1) Any amounts added to a purchaser's bill because of a charge made pursuant to:
 - (a) The tax imposed by this article;
 - (b) Additional charges added to a purchaser's bill pursuant to Section 9-222 of the Illinois Public Utilities Act, Ill. Rev. Stat. Ch. 220, 53/9-222;
 - (c) The tax imposed by the Illinois Telecommunications Excise Tax Act, Ill. Rev. Stat. Ch. 35, 5630/1 et seq., or
 - (d) The tax imposed by Section 4251 of the U.S. Internal Revenue code, 26 USC 4251;
- (2) Charges for a sent collect telecommunication received outside of the City;
- (3) Charges for leased time in 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. This subsection applies to, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment and accounting equipment and also applies to 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 Section 9-222.1 of the Illinois Public Utilities Act to the extent of such exemption and during the period of time specified by the Illinois Department of

Commerce and Community Affairs;

- (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 when the tax imposed under this article has already been paid to a retailer, but 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;
- (7) Had debts; provided however, that if any portion of a debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion of the debt paid during the reporting period; or
- (8) Charges paid by inserting coins in coin operated telecommunication devices.

Interstate telecommunications shall mean all telecommunications that either originate or terminate outside the state of Illinois.

Intrastate telecommunications shall mean all telecommunications that originate and terminate within the state of Illinois.

Person shall mean any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, any receiver, trustee, guardian or other representative appointed by order of any court, the federal government, state governments, state universities created by statute, or any city, town, county or other political subdivision of the state of Illinois.

Purchase at retail shall mean the acquisition, consumption or use of telecommunications through a sale at retail.

Retailer shall mean and includes every person engaged in the business of making sales at retail as defined in this subsection.

Retailer maintaining a place of business in this state, or any like designation, shall mean and includes any retailer having or maintaining within the state of Illinois, 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 the state of Illinois 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 Illinois.

Sale at retail shall mean the transmitting, supplying or furnishing of telecommunications and all services rendered in connection therewith for a consideration:

- (1) To persons other than the City, the federal and state governments, and state universities created by statute; and
- (2) Other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, but only when the tax has already been paid to a retailer and 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 resale.

Service address shall mean the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. If this is not a defined location, as in the case of mobile phones, paging systems, maritime systems, air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunication equipment as defined by telephone number, authorization code or location in Illinois where bills are sent.

Taxpayer shall mean a person who individually or through its agents, employees or permittees, engages in the act or privilege of originating or receiving telecommunications in the City and that incurs a tax liability under this article.

Telecommunications, in addition to the usual and popular meaning, includes, but is not limited to:

- (1) Messages or information transmitted through use of local, toll and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, cellular mobile telecommunications service, specialized mobile radio services, 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.
- (2) The definition of "telecommunications" set forth above, shall not include:
 - (a) 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; or
 - (b) Purchase of telecommunications by a telecommunications service provider for use as a component part at the service provided by it to the ultimate retail consumer who originates or terminates the taxable end-to-end communications.

Treasurer shall mean the City Treasurer.

8.8.03. - Tax Imposed.

- (a) A tax is hereby imposed upon:
 - (1) The act or privilege of originating in the City receiving in the City intrastate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer; and
 - (2) The act or privilege of originating in the City or receiving in the City interstate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer.
- (b) To prevent actual multi-state taxation of the act or privilege that is subject to taxation under subsection (a)(2) of this section, any taxpayer, upon proof that the taxpayer has paid a tax in another state on the same event, shall be allowed a credit against the tax authorized by subsection (a)(2) 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 Illinois.
- (c) The tax imposed by this article is not imposed on any act or privilege to the extent that such act or

privilege may not, under the Constitution or statutes of the United States, be made the subject of taxation by the City.

- (d) Carrier access charges, right of access charges, charges for use of inter-company facilities and all telecommunications resold in the subsequent provision used as a component of, or integrated into end-to-end telecommunications service are sales for resale and are not subject to the tax imposed by this article.

8.8.04. - Collection of Tax by Retailers.

- (a)
 - (1) Any retailer maintaining a place of business in Illinois and making or effecting a sale at retail shall collect the tax authorized by this article from the taxpayer and remit it to the City Treasurer as provided by Section 8.8.05 of this article.
 - (2) Any tax required to be collected pursuant to this article and any tax collected by the retailer shall constitute a debt owed by the retailer to the City.
 - (3) The retailer 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 this article.
 - (4) The tax authorized by this article shall constitute a debt of the purchaser to the retailer providing taxable services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for taxable services.
 - (5) If the retailer fails to collect the tax from a taxpayer, the taxpayer shall pay the tax directly to the City as provided in Section 8.8.07 of this article.
- (b) The City Treasurer shall, upon application, authorize the collection of this tax by any retailer not maintaining a place of business in Illinois who, to the satisfaction of the City Treasurer, furnishes adequate security to ensure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect the tax imposed by this article. When so authorized, it shall be the duty of the retailer to collect the tax upon all of the gross charges for telecommunications originated or received in the City in the same manner, and subject to the same requirements, as a retailer maintaining a place of business in Illinois.
- (c) The tax authorized by this article shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

8.8.05. - Filing Returns and Remittances by Retailers.

On or before the last day of each calendar month, every retailer maintaining a place of business in Illinois and every retailer authorized by the City Treasurer to collect the tax imposed by this article shall file with the City Treasurer a remittance return and remit all applicable tax for the preceding calendar month. The return shall be filed on a form prescribed by the City Treasurer, containing such information as he or she may reasonably require.

8.8.06. - Registration.

Every retailer maintaining a place of business in Illinois shall register with the City Treasurer within thirty (30) days after the effective date of this article or the date of becoming such a retailer, whichever is later.

8.8.07. - Obligation of Taxpayers to File Returns and Pay Tax.

- (a) If a retailer fails to collect the tax imposed by this article from a taxpayer, as required by Sec. 8.8.04, then the taxpayer shall pay the tax directly to the City Treasurer.
- (b) On or before the last day of each calendar month, every taxpayer that has not paid the tax imposed by this article to a retailer, shall file with the City Treasurer a tax return and pay the tax upon the gross charges the taxpayer paid to the retailer during the preceding calendar month. The return shall be filed on a form prescribed by the City Treasurer, containing such information as he or she may reasonably require.

8.8.08. - Resale Numbers.

- (a) If a person who originates or receives telecommunications in the City claims to be a reseller of telecommunications, that person shall apply to the City Treasurer for a resale number. The applicant shall state facts showing why it is not liable for the tax imposed by this article on any purchases of telecommunications and shall furnish such additional information as the City Treasurer may reasonably require.
- (b) Upon approval of the application, the City Treasurer shall assign a resale number to the applicant and shall certify the number to the applicant.
- (c) The City Treasurer may cancel the resale number of any person if the number:
 - (1) Was obtained through misrepresentation;
 - (2) Is used to originate or receive telecommunications tax-free when such telecommunications are not for resale; and
 - (3) Is no longer necessary because the person has discontinued making resales.
- (d) The act or privilege of originating or receiving telecommunications in the city shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number issued by the City Treasurer and furnishes that number to the retailer in connection with certifying to the retailer that a sale is nontaxable as a sale for resale.

8.8.09. - Maintaining Books and Records.

Every retailer maintaining a place of business in Illinois, every retailer authorized by the City Treasurer to collect the tax imposed by this article and every taxpayer required by Sec. 8.8.07 to pay the tax directly to the City Treasurer shall keep accurate books and records of its business or activity, including original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability or exemption. All such books and records shall be kept in the English language and, at all times during business hours of the day, shall be subject to and available for inspection by the City Treasurer or his duly designated agent.

8.8.10. - Severability.

If any provision of this article, or the application of any provision of this article, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this article, or their application, that can be given effect without the unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this article in particular, if subsection (a)(2) of Section 8.8.03 of this article is declared unconstitutional or otherwise invalid, the tax imposed under subsection (a)(1) of Section 8.8.03 shall remain in full force and effect.

8.8.11. - Status of Illinois Municipal Code Section 8-11-17.

In the event that Section 8-11-17 of the Illinois Municipal Code, Ill. Rev. Stat. Ch. 65, 5/8-11-17, is repealed, or becomes ineffective for any reason, Article 7, Section 8.7.01(a) of Chapter 8 of the City Code of the City of Country Club Hills, declared to be ineffective in favor of this article, shall be deemed to be in full force and effect as of the date Section 8-11-17 is repealed or otherwise becomes ineffective.

ARTICLE 9. - REAL ESTATE TRANSFER TAX

8.9.01. - Transfer Tax Imposed.

- A. A transfer tax is imposed on the privilege of transferring title to real estate located within the City of Country Club Hills at the rate of five dollars (\$5.00) per \$1,000 of value or fraction thereof. The tax paid shall be rounded up or down to the nearest \$5.00, but in no event shall the tax be less than fifty dollars (\$50.00). The administrative fee for processing exempt tax stamps shall be fifty dollars (\$50.00).
- B. Such tax shall be collected by the City through the sale of transfer stamps whose design, denominations and form shall be prescribed by the City. No deed shall be recorded unless a transfer stamp in the required amount has been purchased from the City Clerk and affixed to the deed before recording. The transfer stamp shall be available for sale at, and during regular hours (Monday through Friday) of City Hall. A person using or affixing a transfer stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his initials and the day, month and year when the affixing occurs. Such markings shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.
- C. In the event that there is a dispute as to whether any of the exemptions set forth in section 8.9.05 apply to the transaction, or if there is a dispute as to the amount of tax imposed, the person required to pay the tax shall nevertheless remit the amount of the tax to the City Clerk's office under protest. If, after investigation by the City Attorney, it is determined that an exemption applies or the amount of the tax in dispute shall be refunded in whole to such person.

8.9.02. - Definitions.

- A. The term "conveyance" or "transferring title to real estate" includes the making, delivery and recording of a deed involving title to real estate or real property located within the City of Country Club Hills.

- B. The term "deed" shall mean all documents transferring or reflecting the transfer of legal title, equitable title, legal and equitable title to real property, or the beneficial interest in a land trust. Delivery of any deed shall be deemed to have occurred when the purchaser receives possession of the deed or in the case of a land trust the trustee receives possession of an assignment of beneficial interest.
- C. The term "person" shall mean any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, land trust, trust, estate, firm, co-partnership, joint venture, club company, joint stock company, business trust, municipal corporation, political subdivision of the state of Illinois, domestic or foreign corporation, association, syndicate, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.
- D. The term "purchaser" includes grantee and assignee.
- E. The term "Recorder of Deeds" means the office of the Cook County Recorder of Deeds.
- F. The term "recording" shall mean the recording or registration of a deed with the office of Recorder of Deeds, or the transfer of the beneficial interest, in a land trust for real property.
- G. The term "seller" includes grantor and assignor.
- H. The word "value" means the amount of the full actual consideration for any transfer covered hereunder, including the amount of any lien or liens assumed by the grantee or purchaser.

8.9.03. - Declaration of Transfer.

At such time as the tax levied by this Article is paid, there shall be filed with the City Clerk, on a form prescribed by the City, a fully executed and completed copy of a declaration signed by at least one of the grantors and one of the grantees (or their agents) stating the full consideration for the property so transferred, the permanent index number; common address, grantor, grantee, and such other information as requested by the City Clerk. Each form shall be accompanied by an original or copy of the applicant's State and County Real Estate Transfer Declarations which shall be retained by the City Clerk.

8.9.04. - Liability for Tax.

- A. The ultimate incidence of and liability for payment of said tax shall be borne by the seller involved in any such transaction. It shall be unlawful for any purchaser to accept a conveyance if the transfer tax has not been paid.
- B. If the tax has not been paid and a stamp is affixed to the deed or assignment, then the grantees' title shall be subject to a lien for the amount set forth in Section 8.9.07, and the grantee shall be liable for payment of the tax. In addition, no such deeds shall be accepted for recording by the Recorder of Deeds.

8.9.05. - Exemptions.

The tax shall not apply to the following conveyances, provided said conveyance in each case is accompanied by a certificate setting forth the facts or such other information as Building Department may require:

- A. Transactions representing real property transfers closed and made thirty days following the adoption

of this ordinance;

- B. Transactions involving property acquired by or from any governmental body or educational institution;
- C. Transactions in which the deeds or assignments of beneficial interest secure debt or other obligation;
- D. Transactions in which the deeds or assignments of beneficial interest, without additional consideration, confirm, correct, modify, or supplement deeds or assignments of beneficial interest previously recorded or delivered;
- E. Transactions in which the deeds or assignments of beneficial interest are releases of property which is security for a debt or other obligation;
- F. Transactions in which the deeds are made pursuant to court decree;
- G. Transactions made pursuant to mergers, consolidations or transfers or sales of substantially all of the assets of a corporation pursuant to plans of reorganization;
- H. Transactions between subsidiary corporations and their parents for no consideration other than the cancellation or surrender of the subsidiary corporation's stock;
- I. A transfer by lease;
- J. Transactions made between an executor or administrator and the heirs of an estate;
- K. Transactions made between any person acting in a fiduciary capacity to a successor fiduciary;
- L. Transactions made without consideration;
- M. Transactions made upon the death of a joint tenant or tenant by the entirety to the survivor;
- N. Transactions which the City Attorney determines may not be lawfully be taxed.

Exempt conveyances shall have a stamp duly noted placed on the deed before recording.

8.9.06. - Sale of Stamps.

- A. Stamps for the purpose of paying the tax provided for by this Article shall be prepared by the City Clerk.
- B. No person, other than the City Clerk, shall sell or expose for sale, traffic in, trade, barter or exchange any stamp issued pursuant to this Article.
- C. No person shall sell or offer for sale any stamps purchased or acquired for a sum less than their face value.
- D. No person shall sell, offer for sale, or use a stamp which has been purchased for another transaction, even if that stamp has not been used or cancelled.
- E. Refunds shall be issued by the City Clerk for unused stamps under conditions imposed by the City Clerk.

8.9.07. - Enforcement.

- A. *Compliance Obligations.* The City Clerk shall issue no transfer stamps unless the water/sewer consumption to date, as well as any outstanding weed and/or debris liens or Housing Court judgement liens are paid in full. In addition, the City Clerk shall issue no stamps for any property unless the seller

presents a "Certificate of Occupancy" form, signed by the City's Building Department, and certifying that the property has been inspected by the City and is found to be in compliance with all applicable building and housing laws and ordinances of the city.

- B. *Lien*. In the event a deed is recorded without the transfer stamp required by this Article, a lien is declared against said real estate conveyed in the amount of the tax. The fact that the deed does not contain a City of Country Club Hills transfer stamp shall constitute constructive notice of the lien. The lien may be enforced by proceedings to foreclose, as in cases of mortgages or mechanics liens. Suit to foreclose this lien must be commenced within three (3) years after the date of recording the deed. Nothing herein shall be construed as preventing the City from bringing a civil action to collect the tax imposed in this Article from any person who has the ultimate liability for payment of the same, including interest and penalties as provided.
- C. *Interest and Penalties*. In the event of failure by any person to pay the tax required, interest shall accumulate and be due upon said tax at the rate of 1 percent (1%) per month, or part thereof, commencing as of the day when the tax became due. In addition, a penalty of 10 percent (10%) of the tax and interest due shall be assessed and collected against any person who shall fail to pay the tax imposed by this Article.
- D. *Violation; Penalty*. Any person found guilty of violating any provision of this ordinance shall be guilty of an offense punishable by a fine of not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1,000) per violation.

8.9.08. - Refunds.

- A. *Reinvestment*. A grantor or seller who has paid to the city the tax provided herein shall be entitled to a refund of such tax provided any such grantor or seller meets all of the following requirements:
1. He owned and occupied the dwelling on the property for which such tax was paid as his principal residence;
 2. He did not rent or lease any portion(s) of the dwelling or real property sold to another person or persons;
 3. He buys or builds a single-family dwelling or condominium unit within the City corporate limits within one year from the payment of the tax sought to be refunded; and
 4. He owns and occupies said single-family dwelling or condominium unit as his principal residence.
- B. *Immediate Family Members*. A grantor or seller, who has paid to the City the tax provided herein, shall be entitled to refund of such tax, provided such grantor or seller meets all of the following requirements:
1. He owned and occupied the dwelling on the property for which such tax was paid as his principal residence;
 2. He did not rent or lease any portion(s) of the dwelling on the property to another person or persons; and
 3. He sold the property and dwelling in question to one of the following individuals: his child, parent, grandparent, brother, sister or grandchild. For purposes of this subsection, a step-parent, step grandparent, step-sister, step-brother, step-child, and step-grandchild shall be included in the definitions of parent, grandparent, sister, brother, child and grandchild respectively.

8.9.09. - Proceeds of Tax.

All proceeds resulting from the imposition of the tax under this Section, including interest and penalties, shall be paid into the City Treasury and shall be credited to and deposited in the General Fund of the City.

ARTICLE 10. - TELECOMMUNICATIONS INFRASTRUCTURE MAINTENANCE FEE

8.10.01. - Definitions.

As used in this Chapter, the following terms shall have the following meanings:

- (a) *Gross Charges* means 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: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) amounts collected under Section 8-11-17 of the Illinois Municipal Code, (iv) the tax imposed by the Telecommunications Excise Tax Act, (v) 911 surcharges, or (vi) 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 Section 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.
- (b) *Public Right-of-Way* means 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.
- (c) *Retailer maintaining a place of business in this State*, or any like term, means and includes any retailer having or maintaining within the State of Illinois, 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. 12/5197
- (d) *Sale of telecommunications at retail* means 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.
- (e) *Service address* means 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.
- (f) *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.

(g) *Telecommunications provider* means:

- (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.

(h) *Telecommunications retailer or retailer or carrier* means and 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.

(i) *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. 104104), 42 U.S.C. 332(c)(7), as now or hereafter amended, including all commercial mobile radio services, and paging services.

8.10.02. - Registration of Telecommunications Providers.

- (a) Every telecommunications provider as defined by this Chapter shall register with the City within 30 days after the effective date of this Chapter 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 subsection 8.10.04(c) of this Chapter shall be deemed to have registered in accordance with this Section.
- (b) Every telecommunications provider who has registered with the City pursuant to subsection 8.10.02(a) has an affirmative duty to submit an amended registration form or current return as required by

subsection 8.10.04(c), as the case may be, to the City 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 with the City.

8.10.03. - Municipal Telecommunications Infrastructure Maintenance Fee.

- (a) A City telecommunications infrastructure maintenance fee is hereby imposed upon all telecommunications retailers in the amount of one (1.0%) percent 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 City telecommunications infrastructure maintenance fee authorized by this Section shall be collected, enforced, and administered as set forth in Section 8.10.04 of this Chapter.

8.10.04. - Collection, Enforcement, and Administration of City 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 Administrator 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 two percent (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 maintenance fee to the City shall be accompanied by a return, in a form to be prescribed by the City Administrator, which shall contain such information as the City Administrator may reasonably require.
- (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 subsection 8.10.04(a) by the telecommunications retailer pursuant to this Chapter 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 Administrator may request, and telecommunications retailer shall provide, written substantiation for such credit.

- (f) Amounts paid under this Chapter by telecommunications retailers shall not be included in the tax base under of the following acts as described immediately below:
- (1) "Gross charges" for purposes of the Telecommunications Excise Tax Act;
 - (2) "Gross receipts" for purposes of the municipal utility tax as prescribed in Section 8-11-2 of the Illinois Municipal Code;
 - (3) "Gross charges" for purposes of the municipal telecommunications tax as prescribed in Section 8-11-17 of the Illinois Municipal Code;
 - (4) "Gross revenue" for purposes of the tax on annual gross revenue of public utilities prescribed in Section 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 City infrastructure maintenance fee. Any underpayment of the amount of the City infrastructure maintenance fee due to the City by the telecommunications retailer shall be paid to the City plus five (5%) percent of the total amount of the underpayment determined in an audit. If the audit indicates that the underpayment was more than three (3%) percent of the amount remitted to the City in a timely manner as provided in this ordinance, then the telecommunications retailer shall reimburse the City for any costs incurred by the City in conducting the audit. Any amounts payable to the City pursuant to this subsection (g) shall be paid to the City within twenty-one (21) days after the date of issuance of an invoice for same.
- (h) The City Administrator, or his 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 Section 8.10.02 of this Chapter of such regulations.

8.10.05. - 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 City Code concerning uses or structures not located on, over, or within the right-of-way.

8.10.06. - 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.

8.10.07. - 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 the City Code.

8.10.08. - 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.

8.10.09. - 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.

8.10.10. - Conflict.

This Chapter supersedes all ordinances, rules, or regulations or any part of an ordinance, rule or regulation adopted prior hereto which conflicts with the provisions of this Chapter to the extent of such conflict.

ARTICLE 11. - HOTEL/MOTEL TAX

8.11.01. - General.

This Section shall be known and cited as the "City of Country Club Hills Hotel/Motel Tax Ordinance." The tax imposed by this Section shall be known as the "Country Club Hills Hotel/Motel Tax" and is imposed in addition to all other taxes imposed by the City of Country Club Hills, the state of Illinois or any other municipal corporation or political subdivision thereof.

8.11.02. - Definitions.

For purposes of this Article 11, the following definitions shall apply:

Hotel/motel. Any building or buildings in which the public may, for a consideration, obtain living quarters, sleeping or housekeeping accommodations. The term includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

Occupancy. The use or possession, or the right to the use or possession, of any room or rooms in a hotel for any purpose, or the right to the use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or rooms.

Operator. Any person operating a hotel/motel.

Permanent resident. Any person who occupied or has the right to occupy any room or rooms, regardless of whether or not it is the same room or rooms, in a hotel for at least thirty (30) consecutive days.

Person. Any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

Rent/rental. The consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

Room/rooms. Any living quarters, sleeping or housekeeping accommodations.

8.11.03. - Tax Amount.

- (A) A tax is hereby imposed upon all persons engaged in the City of Country Club Hills in the business of renting, leasing or letting rooms in a hotel/motel, in an amount equal to four percent (4%) of the gross rental receipts from such renting, leasing or letting of each hotel or motel room rented for each twenty-four hour (24) period or any portion thereof for which a daily room charge is made. The gross rental receipts from such renting, leasing or letting shall exclude the proceeds of such renting, leasing or letting to permanent residents, as herein defined, of that hotel or motel.
- (B) Persons subject to the tax imposed pursuant to this Section may reimburse themselves for their tax liability for such tax by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with the State tax imposed under "The Hotel Operators' Occupation Tax Act," 35 ILCS 145/1 et seq.
- (C) The tax herein levied shall be paid in addition to any and all other taxes and charges.

8.11.04. - Time of Payment.

The tax imposed herein shall be due and payable on the twenty-fifth (25th) day of the month following the preceding calendar month during which the gross receipts were received. The tax shall be paid to and collected by the City Clerk on forms provided by the City.

8.11.05. - Books and Records; Inspection; Content.

- (A) Each person required to pay the tax provided for hereunder shall, personally or through his/her authorized agents, maintain complete books and records covering the operation of the hotel/motel so taxed, indicating therein all receipts from the operation of said hotel/motel. Such books and records shall be maintained on the premises and shall be subject to inspection by the City and its authorized agents at all reasonable times.

- (B) No person shall prevent, hinder or interfere with the City and its duly authorized agent in the discharge of his duties in the performance of this Section.
- (C) It shall be the duty of every person required to pay the hotel/motel tax to keep accurate and complete books and records, which records shall include a daily sheet showing:
 - (1) The number of hotel or motel rooms rented during the twenty-four (24) hour period, including multiple rentals of the same hotel/motel room where such shall occur; and
 - (2) The actual hotel or motel tax receipts collected for the date in question.

8.11.06. - Reports.

On or before the twenty-fifth (25th) day of each month, each person liable for the payment of a tax hereunder shall file with the City Clerk a written report in such form as the Clerk may from time to time provide, stating the gross receipts collected during the preceding month in the form of charges for the rental, leasing or letting of hotel or motel rooms as herein defined.

8.11.07. - Collection of Tax.

Whenever any person shall fail to pay any tax as herein provided, the City Attorney shall, upon the request of the City Manager, bring or cause to be brought an action to enforce the payment of the tax in behalf of the City in any court of competent jurisdiction.

8.11.08. - Suspension of Licenses; Hearing; Appearance.

- (A) If the Mayor, after hearing held by or for him by a designated agent, shall find that any person has willfully avoided payment of the tax imposed by this Section, he/she may suspend or revoke all City licenses held by such tax evader. The person liable for the payment of the hotel/motel tax shall have an opportunity to be heard at such hearing, to be held not less than five (5) days after notification of the time and place of the hearing. The notice shall be addressed to such person at his/her last known place of business.
- (B) Pending notice, hearing and finding, any license of which he/she may be possessed may be temporarily suspended. Any suspension or revocation of any license shall not release or discharge such person from his/her civil liability for the payment of the tax nor from prosecution for such offense.

8.11.09. - Proceeds of Tax and Fines.

All proceeds resulting from the imposition of the tax under this Section, including penalties, shall be paid into the treasury of the City.

8.11.10. - Penalty.

Any person who shall fail or refuse to pay any required tax, or who shall fail to complete or allow the inspection of any books and records required herein, or who shall fail to file the written report of the gross receipts collected during the preceding month, or who shall willfully and knowingly maintain false books or falsely report the gross receipts taxed hereunder or shall otherwise violate any term of this Section of the

City Code shall be liable for the penalty and fines provided for in the City Code. In addition, the City may bring legal action to compel an accounting for, and payment of, all taxes required to be paid over to the City pursuant to this Section.

ARTICLE 12. - COUNTRY CLUB HILLS GAS USE TAX

8.12.01. - Short Title.

The tax imposed by this Article shall be known as the "City of Country Club Hills Gas Use Tax" and is imposed in addition to all other taxes imposed by the City of Country Club Hills, the State of Illinois, or any other municipal corporation or political subdivision of the State of Illinois.

8.12.02. - Definitions.

For the purpose of this Article, the following definitions shall apply:

1. *City* means the City of Country Club Hills.
2. *Gas* shall have the same meaning as the word "gas" as used in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2).
3. *Person* means any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court.
4. *Public utility* means a public utility as defined in Section 3-105 of the Public Utilities Act.
5. *Public Utilities Act* means the Public Utilities Act, as amended (220 ILCS 5/1-101 et seq.).
6. *Retail purchaser* means any person who purchases gas in a sale at retail.
7. *Sale at retail* means any sale by a retailer to a person for use or consumption, and not for resale. For this purpose, the term "retailer" means any person engaged in the business of distributing, supplying, furnishing or selling gas.

8.12.03. - Tax Imposed.

1. Except as otherwise provided in this Article, a tax is imposed on the privilege of using or consuming gas in the City that is purchased in a sale at retail. The tax shall be at the rate of five cents (\$0.05) per therm.
2. The ultimate incidence of and liability for payment on the tax is upon the retail purchaser, and nothing in this Article shall be construed to impose a tax on the occupation of distributing, supplying, furnishing, selling or transporting gas.
3. The retail purchaser shall pay the tax, measured by therms of gas delivered to the retail purchaser's premises, to the public utility designated to collect the tax pursuant to Section 8.12.04 of this Article on or before the payment due date of the public utility's bill first reflecting the tax, or directly to the City Collector on or before the fifteenth day of the second month following the month in which the gas is delivered to the retail purchaser if no public utility has been designated to collect the tax pursuant to

Section 8.12.04 of this Article or if the gas is delivered by a person other than a public utility so designated. If no public utility has been designated, the retail purchaser shall remit the tax directly to the City Collector.

4. The tax shall not apply to the use or consumption of gas by (a) a public utility engaged in the business of distributing gas; or (b) a school district created and operating under the school code of the State of Illinois; or (c) a unit of local government.
5. To prevent multiple taxation, the use of gas in the City by a retail purchaser shall be exempt from the gas use tax if the gross receipts from the sale at retail of such gas to the retail purchaser are properly subject to a tax imposed upon the seller pursuant to the City's municipal utility tax. The tax imposed by this Article with respect to the use or consumption of the gas, but who later uses or consumes part or all of the gas, shall pay the tax directly to the City Collector on or before the fifteenth day of the second month following the month in which the gas is used or consumed.
7. Nothing in this Article shall be construed to impose a tax upon any person, business or activity which, under the constitutions of the United States or the State of Illinois, may not be made the subject of taxation by the City.
8. The tax shall apply to gas for which delivery to the retail purchaser is billed by a public utility on or after April 1, 2009.
9. If it shall appear that an amount of tax has been paid which is not due under the provisions of this Article, whether as a result of mistake of fact or error of law, then such amount shall be (i) credited against any tax due, or to become due, under this Article from the taxpayer who made the erroneous payment; or (ii) subject to a refund if no such tax is due or to become due; provided, that no amounts erroneously paid more than three (3) years prior to the filing of a claim therefor shall be so credited or refunded.
10. No action to recover any amount of tax due under the provisions of this Article shall be commenced more than three (3) years after the due date of such amount.

8.12.04. - Collection of Tax.

The Mayor or his/her duly authorized agent is authorized to enter into a contract for collection of the tax imposed by this Article with any public utility providing gas service in the City. The contract shall include and substantially conform with the following provisions:

- a. The public utility will collect the tax with respect to gas delivered by it to its retail purchasers as an independent contractor;
- b. The public utility will remit collected taxes to the City Collector no more often than once each month;
- c. The public utility will be entitled to withhold from tax collections a service fee equal to three percent (3%) of the amounts collected and timely remitted to the City Collector;
- d. The public utility shall not be liable to the City for any tax not actually collected from a retail purchaser; and
- e. Such additional terms as the parties may agree upon.

8.12.05. - Books and Records.

Every taxpayer shall keep accurate books and records, including original source documents and books of entry, denoting the activities or transactions that give rise, or may have given rise, to any tax liability or exemption under this Article. All such books and records shall, at all times during business hours, be subject to and available for inspection by the City.

ARTICLE 13. - MUNICIPAL CANNABIS RETAILER'S OCCUPATION TAX

8.13.01. - Tax Imposed.

1. Beginning January 1, 2020, a tax is hereby imposed upon all persons engaged in the business of selling cannabis at retail in the City of Country Club Hills, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1 et seq., at the rate of three percent (3%) of the gross receipts from such sales made in the course of that business.
2. The imposition of this tax is in accordance with the provisions of Section 8-11-22 of the Illinois Municipal Code (65 ILCS 5/8-11-22), and is in addition to any and all other taxes and charges imposed.

(Ord. No. OA-10-19, § 2, 11-25-2019)

8.13.02. - Collection of Tax by Retailers.

1. The tax imposed by this Article, and all civil penalties that may be assessed as an incident thereto, shall be remitted by such retailer to the Illinois Department of Revenue. Any tax required to be collected pursuant to or as authorized by this Article and any such tax collected by such retailer and required to be remitted to the Department of Revenue, shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.
2. 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. The Department shall have full power to administer and enforce the provisions of this Article.
3. The failure to timely collect or remit all taxes due pursuant to this Article is a violation and may be subject to penalties.

(Ord. No. OA-10-19, § 2, 11-25-2019)