

## CHAPTER 36

### TAXATION

#### ARTICLE I - GENERAL TAXES

**36-1-1**        **CORPORATE RATE.** The maximum rate for general corporate purposes of the Village be and the same is hereby established at a rate of **.25%**. (See **65 ILCS Sec. 5/8-3-1**)

**36-1-2**        **POLICE TAX.** The maximum rate for police protection purposes of the Village shall be and the same is hereby established at a rate of **.075%**. (See **65 ILCS Sec. 5/11-1-3**)

**36-1-3**        **E.S.D.A. TAX.** The Mayor may make an appropriation for ESDA purposes in the manner provided by law, and may levy in addition for ESDA purposes only, a tax not to exceed **Five Cents (\$0.05)** per **One Hundred Dollars (\$100.00)** of the assessed value of all taxable property in addition to all other taxes, as provided by **“The State ESDA Act of 1975”**, and amendments thereto; however, that amount collectible under such levy shall in no event exceed **Twenty-Five Cents (\$0.25)** per capita.

**36-1-4**        **AUDIT TAX.** The Village Board may levy a "Municipal Auditing Tax" upon all taxable property in the Village which will produce an amount which will equal the cost of all auditing for the Village. (See **65 ILCS Sec. 5/8-8-8**)

**36-1-5**        **F.I.C.A. TAX.** The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to participate in the federal Social Security System. (See **40 ILCS Sec. 5/21-101 et seq.**)

**36-1-6**        **GENERAL LIABILITY.** The Village Board may levy a tax upon all taxable property in the Village at whatever rate is necessary to purchase general liability insurance for the Village.

**36-1-7**      **OTHER TAX RATES.** The maximum tax rates for the various purposes of the Village of the full, fair cash value as equalized or assessed by the Illinois Department of Revenue on all the taxable property within the Village shall be as follows:

<b><u>FUND/PURPOSE</u></b>	<b><u>MAXIMUM RATE</u></b>
Audit	NO LIMIT
Fire Protection	\$.15 per \$100.00 assessed value
I.M.R.F.	NO LIMIT
Parks	\$.10 per \$100.00 assessed value
Social Security	NO LIMIT
Street Lighting	\$.05 per \$100.00 assessed value

## ARTICLE II – HOTEL/MOTEL TAX

**36-2-1**        **DEFINITIONS.** For the purpose of this Article, whenever any of the following words, terms, or definitions are used herein, they shall have the meaning ascribed to them in this Section:

**“Hotel Room or Motel Room”** means a room within a structure offered for rental on a daily basis and containing facilities for sleeping. **One (1) room** offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room. The number of hotel or motel rooms within a suite shall be computed on the basis of those rooms utilized for the purpose of sleeping.

**“Owner”** means any person having an ownership interest in, conducting the operation of a hotel or motel room, or receiving the consideration for the rental of such hotel or motel room.

**“Person”** means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties. The masculine, feminine, singular or plural is included in any circumstances.

**36-2-2**        **TAX IMPOSED.** There is hereby levied and imposed a tax of **five percent (5%)** of the rent charged for the privilege and use of renting a hotel or motel room within the Village for each **twenty-four (24) hour** period or any portion thereof for which a daily room charge is made; provided, however, that the tax shall not be levied and imposed upon any person who rents a hotel or motel room for more than **thirty (30) consecutive days** or to a person who works and lives in the same hotel or motel.

**36-2-3**        **EXCLUSION.**

(A)            The ultimate incidence of, and liability for, payment of said tax is to be borne by the person who seeks the privilege of occupying the hotel or motel room, said person hereinafter referred to as “renter”.

(B)            The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner of every hotel or motel to secure said tax from the renter of the motel or hotel room, and to pay over to the Village Clerk or any authorized representative of the Village said tax under procedures prescribed by the Village Clerk, or as otherwise provided in this Chapter.

(C) Every person required to collect the tax levied by this Chapter shall secure said tax from the renter at the time he collects the rental payment for the hotel or motel room. Upon receipt of the invoice, or other statement or memorandum of the rent given to the renter at the time of payment, the amount due under the tax provided in this Chapter shall be stated separately on said document.

**36-2-4**        **BOOKS AND RECORDS.**    The Village Manager or authorized representative may enter the premises of any hotel or motel for inspection and examination of records in order to effectuate the proper administration of this Chapter, and to assure the enforcement of the collection of the tax imposed. It shall be unlawful for any person to prevent, hinder, or interfere with the Village Manager or authorized representative in the discharge of their duties on the enforcement of this Chapter. It shall be the duty of every owner to keep accurate and complete books and records to which the Village Manager or authorized representative shall at all times have full access, which records shall include a daily sheet showing:

(A)            The number of hotel or motel rooms rented during the **twenty-four (24) hour** period, including multiple rentals of the same hotel or motel rooms where such shall occur, and

(B)            The actual hotel or motel tax receipts collected for the date in question.

**36-2-5**        **TRANSMITTAL OF TAX REVENUE.**

(A)            Commencing on **April 3, 2000**, the owner or owners of each hotel or motel within the Village shall file tax returns showing tax receipts received with respect to each hotel and motel room during each month commencing on **April 3, 2000**. The return shall be due on or before the last day of each succeeding calendar month, and the return shall indicate for what period the return is to be filed; i.e., return for January tax receipts is due on or before the last day of February.

(B)            Commencing on \_\_\_\_\_, 2000, the tax return and payment for such period shall be due on \_\_\_\_\_, 2000. Thereafter, reporting periods and taxes shall be paid in accordance with the provisions of this Chapter. At the time of filing said tax returns, the owner shall pay to the Village Clerk all taxes due for the period to which the tax return applies.

(C)            If for any reason any tax is not paid when due, a penalty at the rate of **one and one-half percent (1 ½%)** per **thirty (30) day** period, or portion thereof from the date of delinquency, shall be added and collected.

**36-2-6**            **COLLECTION.** Whenever any person shall fail to pay any tax as herein provided, the Village Attorney shall, upon the request of the Village Board, bring or cause to be brought, an action to enforce the payment of said tax on behalf of the Village in any court of competent jurisdiction.

**36-2-7**            **PROCEEDS OF TAX AND FINES.** All proceeds resulting from the imposition of the tax under this Chapter, including penalties, shall be appropriated as follows:

(A)                **Five percent (5%)** of the gross tax revenue collected each year shall be appropriated for and directed to the office of the Village Clerk to defray the costs of administering and processing the imposition, application and collection of the tax.

(B)                All the rest, residue and remainder of the tax revenue collected each year shall be paid into the Treasury of the Village into a special fund to be used and applied for the promotion and development of tourism and conventions in the Village.

(C)                A committee shall be established as the “Village of New Baden Tourism Committee”. The primary responsibility of this Tourism Committee is to convene as often as necessary and make recommendations to the Village Board as to the orderly disbursement of funds collected.

**36-2-8**            **PENALTIES.** Any person, firm or corporation found willfully guilty of failing to pay, collect, report and transmit said hotel or motel tax to the Village Clerk in accordance with the terms of this Chapter shall, except when otherwise specifically provided, upon conviction thereof, be punished by a fine not to exceed **Five Hundred Dollars (\$500.00)** for each offense. A separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof.

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