

CHAPTER 4

HOTEL AND MOTEL OPERATORS OCCUPATION TAX

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3-4-1: HOTEL AND MOTEL OPERATORS OCCUPATION TAX: The Village of Arthur hereby adopts the provisions of 65 ILCS 5/8-3-14, as amended, and imposes a tax upon all persons engaged within the Village of Arthur in the business of renting, leasing or letting rooms in a hotel, motel or Bed and Breakfast, as defined in the "Hotel Operators Occupation Tax Act", 35 ILCS 145/1, et seq., at the rate of five percent (5%) of the gross rental receipts from such renting, leasing or letting, excluding, however, from gross rental receipts, the proceeds of such renting, leasing or letting to permanent residents therein, said tax to be administered and collected in accordance with the provisions contained herein.

3-4-2: DEFINITIONS: All terms used in this Chapter shall have the meanings as defined in the "Hotel Operators Occupation Tax Act, 35 ILCS 145/1, et seq., as amended, and 65 ILCS 5/8-3-14, as applicable and as same shall be in force and effect from time to time.

3-4-3: TAX CONSTITUTING SEPARATE CHARGE: Those persons subject to the tax imposed by this Chapter 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 of Illinois tax imposed under the "Hotel Operators Occupation Tax Act" heretofore cited.

3-4-4: EXEMPTIONS FROM TAX: Gross rental receipts from the renting, leasing or letting of rooms in a hotel only to permanent residents shall be exempt from the provisions of this Chapter and persons subject to the tax imposed hereby shall be entitled to exclude said receipts from gross rental receipts for the purpose of computing the tax imposed hereby.

3-4-5: USE OF PROCEEDS: Proceeds from this tax shall be used solely to promote tourism and conventions within the Village or otherwise to attract nonresident overnight visitors and no proceeds received hereunder shall be used to advertise for or otherwise promote new competition for the taxed businesses.

3-4-5.1: REQUEST FOR FUNDS DEADLINE: All requests for funds from this Tax shall be submitted by April 1 of the year for which the funds are requested.

3-4-6: BOOKS AND RECORDS: Every person subject to the tax imposed by this Chapter shall keep separate books and records of his business as an operator to show separately the rents taxable and the rents exempt. Any operator who fails to keep such separate records shall be liable for said tax on the entire proceeds of the operator's hotel.

3-4-7: REGISTRATION: All persons subject to the tax imposed herein shall register with the Village Clerk of Arthur on a form as adopted and prescribed by the Village Superintendent, which forms shall include such information as shall be reasonably necessary in order to ensure collection and enforcement of said tax.

3-4-8: TAX RETURNS: Each person required to be registered hereunder and subject to the tax imposed herein shall, on or before the last day of each calendar month, file a tax return in the office of the Village Clerk of Arthur, on a form to be adopted and prescribed by the Village Superintendent, which shall include the information required to be reported on the tax return filed by such person with the State of Illinois Department of Revenue pursuant to the "Hotel Operators Occupation Tax Act" hereinabove cited, for the preceding calendar month, together with a copy of the return filed with the State of Illinois for such period. In the event any person required to file hereunder is authorized by the State of Illinois to file at a different time period, such person may file with the Village upon the same frequency as the State of Illinois period, with prior approval of the Village Superintendent.

3-4-9: PAYMENT OF TAX: The tax due pursuant to this Chapter shall be due and payable on or before the due date of the tax return showing the tax liability and shall be paid to the Treasurer of the Village of Arthur, together with any interest and penalty due, and the Treasurer shall deposit the funds so collected into a separate identifiable fund to be designated Hotel and Motel Operators Tax Fund.

3-4-10: INTEREST AND PENALTIES: If the tax due pursuant to this Chapter is not paid on or before the due date of the return required to be filed by the person responsible for the payment of the tax, such person shall, in addition to the tax, be liable for a penalty equal to one and one-half percent (1 ½%) of the tax due for each month, or part thereof, until such tax and penalty is paid in full. The penalty imposed hereby shall be assessed and collected in the same manner as the tax imposed under this Chapter.

3-4-11: PENALTY FOR LATE FILING: Any person responsible for filing a tax return and paying tax pursuant to this Chapter who shall fail to file the required tax return on or before the due date thereof, whether or not the tax is paid therewith, shall be liable for a penalty in the amount of \$10.00 per day for each day that such return is late, and each day shall constitute a separate offense for purposes hereof.

3-4-12: COMPLIANCE: All returns required to be filed hereunder shall be executed by the proprietor, a general partner, or an authorized corporate officer and shall be made under penalties of perjury. Any person willfully filing a return containing false or inaccurate information shall be guilty of perjury and of a violation of this Chapter, and shall be subject to the fine imposed for violations of this Chapter in addition.

3-4-13: AUDITS: The Village, through its designated agent, shall have the right, at reasonable times, after reasonable notice, to examine all books and records maintained by the person registered or required to be registered under this Chapter, including, but not limited to, general accounting records, bank records, returns required to be filed under Acts heretofore cited, State and Federal Income Tax returns and any other books, records or documents which are relevant in the determination and confirmation of the full and accurate reporting of gross receipts on which tax is imposed by this Chapter, the entitlement to any exemption claimed, and the payment of the full tax due pursuant to this Chapter.

3-4-14: VIOLATION: Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be subject to a fine of not less than \$25.00 nor more than \$500.00, plus all prosecuting costs, for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.

3-4-15: LIEN IMPOSED: At any time after an assessment and demand for payment of any tax, interest and/or penalty due pursuant to this Chapter is made by the Village, the Village may file a notice of lien for said tax in the county in which the assessment accrued within the corporate limits of the Village. The procedures for notice and enforcement of the lien shall be the same as that provided for in the "Retailers Occupation Tax Act" as now or hereafter amended, for State tax liens, and any recorder with whom a notice of such lien is filed shall treat such lien as a State tax lien for recording purposes.

3-4-16: CREATION OF VILLAGE OF ARTHUR TOURISM COMMITTEE: Concurrent with the adoption of this Chapter, there is created a Village of Arthur Tourism Committee to oversee and approve the administration and expenditure of taxes imposed pursuant to this Chapter. The committee shall consist of five (5) members to be appointed by the Mayor and approved by the Village Board. The committee shall consist of one (1) Village Board member, one (1) Association of Commerce member, one (1) Hotel operator and two (2) business owners or operators from within the Village of Arthur.

All regular meetings of the committee shall be open to the public and a notice of the schedule of meetings shall be given in the same manner as Village committee meetings. All special meetings of the committee shall be open to the public and a notice of each meeting shall be given by publishing a notice of the date, time and place of the meeting in the Arthur Graphic-Clarion at least seven (7) days but not more than fourteen (14) days prior to the date of the meeting and shall include a statement of the general purpose of the meeting. A majority of the committee shall constitute a quorum. The committee shall recommend expenditures to the Village Board for approval under the terms and conditions specified in 65 ILCS 5/8-3-14.

3-4-17: PARTIAL INVALIDITY: In the event any term or provision of this Chapter is determined to be invalid or unenforceable by a court of competent jurisdiction, such invalid or unenforceable provision shall not affect the validity of the remaining provisions of this Chapter and the provisions hereof shall be considered, and are hereby declared to be severable.