## Chapter 26   TAXATION AND RELATED FEES [[1]](#BK_D85A92A5449D1F9CC73F0C8BA0822C62)

ARTICLE I. - IN GENERAL

ARTICLE II. - HOTEL AND MOTEL OPERATORS' OCCUPATION TAX

FOOTNOTE(S):

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**State Law reference—** Levy and collection of taxes, 65 ILCS 5/8-3-1 et seq.; certain revenue taxes, 625 ILCS 5/8-11-1 et seq. [(Back)](#BK_A14684C95BAB4E3D2A20511770713E4A)

### ARTICLE I.   IN GENERAL

[Sec. 26-1. Simplified municipal telecommunications tax establishment and rate change.](#BK_5C7B5BCDA66E573A4591C545E13F9186)

[Sec. 26-2. Cable service provider fee.](#BK_2CB9237BBCB4556943B8CEAEBC735C15)

[Secs. 26-3—26-22. Reserved.](#BK_9AA94CE1611EA10B71FA527A5E932355)

Sec. 26-1.   Simplified municipal telecommunications tax establishment and rate change.

(a)  A simplified municipal telecommunications tax at the rate of five percent of the gross charges for such telecommunications purchased at retail is hereby imposed under the authority of the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1 et seq.) upon the act or privilege of originating in the village or receiving in the village intrastate or interstate telecommunications by a person.

(b)  The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this chapter.

(Ord. No. 03-01A-10, §§ 1, 2, 3-1-2010)

Sec. 26-2.   Cable service provider fee.

A service provider fee is hereby imposed upon any state authorized franchises to provide cable service pursuant to the Cable and Video Competition Law of 2007 (220 ILCS 5/21-101 et seq.) in the amount authorized therein.

(Ord. No. 07-21C-14, 7-21-2014)

**State Law reference—** Authority for fee, 220 ILCS 5/21-801.

Secs. 26-3—26-22.   Reserved.

### ARTICLE II.   HOTEL AND MOTEL OPERATORS' OCCUPATION TAX [[2]](#BK_4AEBCE0DE5566515E23D56D7EE005CC7)

[Sec. 26-23. Definitions.](#BK_AC8790322C6CA612384611BB4ABCF80C)

[Sec. 26-24. Imposed.](#BK_7FF7D61D2BEA50A401FB9E43659C3748)

[Sec. 26-25. Tax constituting separate charge.](#BK_B10EF4E8A66FAFDCE322C39DEC8EE2BF)

[Sec. 26-26. Exemptions from tax.](#BK_14E5ED3A75CA23782A3AAD37F53436A7)

[Sec. 26-27. Use of proceeds.](#BK_453608005EF65E400C1ECB6364506702)

[Sec. 26-28. Request for funds deadline.](#BK_09FE95D280A6BA60FCFE3D78D617C794)

[Sec. 26-29. Books and records.](#BK_7E28C3A12D203BD77B4689C40F20A613)

[Sec. 26-30. Registration.](#BK_667E225B970C3CFE1B46C00715787224)

[Sec. 26-31. Tax returns.](#BK_E4B090CFE421FA757B40041F2212395C)

[Sec. 26-32. Payment of tax.](#BK_660043C290C1868E99367CD7F63B3551)

[Sec. 26-33. Interest and penalties.](#BK_5F91118D3E5DC088CAF235F2D336BE5F)

[Sec. 26-34. Penalty for late filing.](#BK_1C5336AEB4C3BA75C582210A155ABEB0)

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[Sec. 26-36. Audits.](#BK_02F28F1450F5A64E90E1CE6460260674)

[Sec. 26-37. Lien imposed.](#BK_49FDEF4A6E17FFBB4736880EBF302880)

[Sec. 26-38. Creation of Village of Arthur Tourism Committee.](#BK_8B69981003CB6F1E70785609EB2BB035)

Sec. 26-23.   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.) and 65 ILCS 5/8-3-14.

(Code 2003, § 3-4-2)

Sec. 26-24.   Imposed.

The Village of Arthur hereby adopts the provisions of 65 ILCS 5/8-3-14, 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 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.

(Code 2003, § 3-4-1)

Sec. 26-25.   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 (35 ILCS 145/1 et seq.).

(Code 2003, § 3-4-3)

Sec. 26-26.   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.

(Code 2003, § 3-4-4)

Sec. 26-27.   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.

(Code 2003, § 3-4-5)

Sec. 26-28.   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.

(Code 2003, § 3-4-5.1)

Sec. 26-29.   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.

(Code 2003, § 3-4-6)

Sec. 26-30.   Registration.

All persons subject to the tax imposed herein shall register with the village clerk on a form as adopted and prescribed by the village, which forms shall include such information as shall be reasonably necessary in order to ensure collection and enforcement of said tax.

(Code 2003, § 3-4-7)

Sec. 26-31.   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, on a form to be adopted and prescribed by the village which shall include the information required to be reported on the tax return filed by such person with the Hotel Operators' Occupation Tax Act (35 ILCS 145/1 et seq.) 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 deputy village clerk.

(Code 2003, § 3-4-8)

Sec. 26-32.   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 the "Hotel and Motel Operators Tax Fund."

(Code 2003, § 3-4-9)

Sec. 26-33.   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 1.5 percent 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.

(Code 2003, § 3-4-10)

Sec. 26-34.   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.

(Code 2003, § 3-4-11)

Sec. 26-35.   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.

(Code 2003, § 3-4-12)

Sec. 26-36.   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 the Hotel Operators' Occupation Tax Act (35 ILCS 145/1 et seq.), and 65 ILCS 5/8-3-14, 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.

(Code 2003, § 3-4-13)

Sec. 26-37.   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 (35 ILCS 120/1 et seq.) 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.

(Code 2003, § 3-4-15)

Sec. 26-38.   Creation of Village of Arthur Tourism Committee.

(a)  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 members to be appointed by the mayor and approved by the village board. The committee shall consist of one village board member, one association of commerce member, one hotel operator and two business owners or operators from within the Village of Arthur.

(b)  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 days but not more than 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.

(Code 2003, § 3-4-16)

FOOTNOTE(S):

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**State Law reference—** Municipal hotel operator's occupation tax, 65 ILCS 5/8-3-14. [(Back)](#BK_E544B4B95CFF3866EDAF44CF8866CC91)