

ORDINANCE NO. 8081-117

AN ORDINANCE
IMPOSING A TAX UPON THE USE AND
PRIVILEGE OF RENTING A HOTEL OR MOTEL ROOM

WHEREAS, the City Council finds that services are rendered by the City of Urbana to persons who exercise the use and privilege of renting a hotel or motel room in the City; and

WHEREAS, the City Council finds that a tax upon such use and service would benefit the City as a whole and would in part enable the City to continue to render such services and thus benefit such persons; and

WHEREAS, the City is a home rule unit by virtue of the provisions of the Constitution of the State of Illinois of 1970; and

WHEREAS, the City, as a home rule unit, may exercise power and perform any function pertaining to its government and affairs, including the power to tax.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

1. That Chapter 22, entitled "Taxation", of the Code of Ordinances of the City of Urbana, Illinois, be and the same is hereby amended by adding to that chapter a new article to be numbered Article V, entitled "Hotel/Motel Use Tax", to read as follows:

Sec. 22-60. 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 kept, used or maintained as or advertised or held out to the public to be an inn, motel, hotel, apartment hotel, lodging house, dormitory or place

where sleeping, rooming, office, conference or exhibition accommodations are furnished for lease or rent, whether with or without meals. One room offered for rental with or without an adjoining bath shall be considered as a single hotel or motel room.

"Owner" means any person or persons having a sufficient proprietary interest in conducting the operation of a hotel or motel room or receiving the consideration for the rental of such hotel or motel room so as to entitle such person or persons to all or a portion of the net receipts thereof.

"Person" means any natural person, trustee, court-appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agent government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operation, user or owner, or any officers, agents, employees or other representative, acting either for himself/herself 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.

Sec. 22-61. Tax.

(a) There is hereby levied and imposed upon the use and privilege of renting a hotel or motel room within the City of Urbana a tax of five percent (5%) of the rental or leasing charge for each such hotel and motel room rented for each twenty-four (24) hour period or any portion thereof provided, however, that the tax shall not be levied and imposed upon any person to rent a hotel or motel room for more than thirty (30) consecutive days who works or lives in the same hotel or motel.

(b) The ultimate incident of and liability for payment of said tax shall be borne by the person who seeks the privilege of occupying any such hotel or motel room, said person hereinafter referred to as "renter".

(c) 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, manager or operator of every hotel or motel to act as trustee for and on account of the City, and to secure said tax from the renter of the hotel or motel room and pay over to the City Collector said tax under procedures prescribed by the City Comptroller or as otherwise provided in this article.

(d) Every person required to collect the tax levied by this article shall secure said tax from the renter at the time he/she collects the rental payment for the hotel or motel room. Upon the invoice receipt 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 article shall be stated separately on said documents.

Sec. 22-62. Books and records.

The City Comptroller or any person certified as his/her deputy or representative, may enter the premises of any hotel or motel for inspection and examination of books and records in order to effectuate the proper administration of this article 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 City Comptroller or his/her duly authorized deputy or representative in the discharge of his/her duties and the performance of this article. It shall be the duty of every owner to keep accurate and complete books and records to which the City Comptroller or his/her deputy or authorized representative, shall at all times have access, which records shall include a daily sheet showing: (1) the number of hotel or motel rooms rented during the 24-hour period, including multiple rentals of the same hotel rooms where such shall occur, and (2) the actual hotel or motel tax receipts collected for the date in question.

Sec. 22-63. Transmittal of tax revenue.

(a) The owner or owners of each hotel or motel room within the City of Urbana shall file tax returns showing tax receipts received with respect to each hotel and motel room during each month period commencing on June 1, 1981, and continuing on the first day of every month thereafter on forms prescribed by the City Comptroller. The return shall be due on or before the 15th day of the calendar month succeeding the end of the month filing period. A separate return shall be filed for each place of business within the City regardless of ownership.

(b) The first taxing period for the purpose of this article shall commence on June 1, 1981, and the tax return and payment for such period shall be due on or before July 15, 1981. Thereafter reporting periods and tax payments shall be in accordance with the provisions of this article. At the time of filing said tax returns, the owner shall pay to the City 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 percent (1%) per thirty (30) day period, or portion thereof, from the day of delinquency shall be added and collected.

Sec. 22-64. Collection.

Whenever any person shall fail to pay any tax as herein provided, the City Comptroller shall bring or cause to be brought an action to enforce the payment of said tax on behalf of the City in any Court of competent jurisdiction.

Sec. 22-65. Proceeds of tax and fines.

All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid into the treasury of the City of Urbana and shall be credited to and deposited in the corporate fund of the City.

Sec. 22-66. Penalties.

In addition to the other provisions of this article, any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article, except when otherwise specifically provided, shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) for each violation.

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

3. This Ordinance shall be in full force and effect after its passage and publication as required by law or after the passage and publication as required by law of a similar ordinance duly passed and adopted by the City of Champaign, Champaign County, Illinois, whichever is the later date.

The City Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council on the 18th day of May, 1981.

PASSED by the City Council this 18th day of May, 1981.


Ruth S. Brookens
Ruth S. Brookens, City Clerk

APPROVED by the Mayor this 28th day of May, 1981.

Jeffrey T. Markland
Jeffrey T. Markland, Mayor

CERTIFICATE OF PUBLICATION

I, RUTH S. BROOKENS, City Clerk, City of Urbana, Illinois, do herewith certify that I caused the above Ordinance to be duly published in pamphlet form on the 1st day of June, 1981.


Ruth S. Brookens
Ruth S. Brookens, City Clerk