

ORDINANCE NO. 2012-05-048

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 22, SECTION 22-31

(Local Motor Fuel Tax)

WHEREAS, the City of Urbana ("City") is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to tax; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 22-31 to levy and impose a tax upon the purchase of each gallon of motor fuel, or fraction thereof, sold at retail within the corporate limits of the City; and

WHEREAS, the City Council finds that the best interests of the City are served by amending said section.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Champaign County, Illinois, as follows:

Section 1.

Urbana City Code Chapter 22, "Taxation," Article III, "Local Motor Fuel Tax," Section 22-31, is hereby amended and as amended shall read as follows:

Sec. 22-31. - Tax imposed.

(a) There is levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof, sold at retail within the corporate limits of the city, irrespective of the unit of measure in which it is actually sold, a tax at the rate of four cents (\$0.04) per gallon.

(b) The tax herein levied shall be paid in addition to any and all other taxes and charges. The tax herein imposed is not based on the selling or purchase price or gross receipts from the sale or purchase of motor fuel.

(c) The ultimate incident of and liability for payment of the tax is to be borne by the retail purchaser of motor fuel. Nothing in this article shall be construed to impose a tax upon the occupation of persons engaged in the retail sale of motor fuel.

(d) It shall be the duty of every retail gasoline dealer to secure the tax from the purchaser at the time the dealer collects the purchase price for the motor fuel and to pay over the tax to the finance department, as provided in this article.

(Ord. No. 2010-08-070, § 1, 8-16-10; Ord. No. 2010-10-101, § 1, 11-1-10)

Section 2.

This ordinance will take effect on July 1, 2012.

Section 3.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and

it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 4.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 5.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage.

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 meeting of said Council.

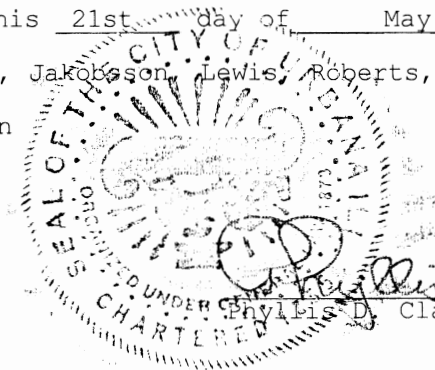
PASSED BY THE CITY COUNCIL this 21st day of May, 2012.

AYES: Bowersox-Johnson, Jakobson, Lewis, Roberts, Smyth

NAYS: Marlin, Stevenson

ABSENT:

ABSTAINED:


Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED BY THE MAYOR this 22nd day of May, 2012.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor



CERTIFICATE OF PUBLICATION IN PAMPHLET FORM



I, PHYLLIS D. CLARK, certify that I am the duly elected and acting
Municipal Clerk of the City of Urbana, Champaign County, Illinois.

I certify that on the 21st day of MAY, 2012,
the Corporate Authorities of the City of Urbana passed and approved Ordinance
No. 2012-05-048, entitled:

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 22,
SECTION 22-31 (LOCAL MOTOR FUEL TAX)

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2012-05-048 was prepared,
and a copy of such Ordinance was posted in the Urbana City Building
commencing on the 22nd day of May, 2012, and
continuing for at least ten (10) days thereafter. Copies of such Ordinance
were also available for public inspection upon request at the Office of the
City Clerk.

Dated at Urbana, Illinois, this 22nd day of May,
2012.



Phyllis D. Clark
Phyllis D. Clark, City Clerk
Raymond J. Palmer
Deputy Clerk