

060193

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) X Waiver of First Requested
Recommendations of Boards, Commissions & Committees (Green)
Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: April 12, 2006 (COW)(B of T) April 20, 2006

TITLE: Ordinance Amending Title 9, Chapter 98 of the Lombard Village Code in Regard to the Imposition of a Non-Home Rule Municipal Retailers' Occupation Tax and a Non-Home Rule Municipal Service Occupation Tax

SUBMITTED BY: Leonard J. Flood, Director of Finance

BACKGROUND/POLICY IMPLICATIONS:

The attached ordinance has been prepared by the Village Attorney in accordance with the results of the canvass of the votes by the Board of Election Commissioners of DuPage County of the March 21, 2006 non-home rule sales tax referendum. The canvass confirmed that the majority of voters have approved the Village's request to impose a 1% Non-Home Rule Sales Tax by a vote of 4,480 "yes" and 4,108 "no" votes. A waiver of first reading is requested. Upon approval, a certified copy of this ordinance will be filed with the Illinois Department of Revenue so that the tax will become effective on January 1, 2007.

Review (as necessary):

Village Attorney X Leonard J. Flood
Finance Director X W. T. Lichter
Village Manager X W. T. Lichter
Date 04/12/06
Date 4/12/06

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9, CHAPTER 98 OF THE LOMBARD VILLAGE CODE IN REGARD TO THE IMPOSITION OF A NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND A NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard,

DuPage County, Illinois, as follows:

SECTION 1: The President and Board of Trustees find as follows:

A. On the 21st day of March, 2006, an election was held in and for the Village of Lombard in regard to the following referendum:

"SHALL THE VILLAGE OF LOMBARD IMPOSE A TAX UNDER THE NON-HOME RULE MUNICIPAL RETAILERS= OCCUPATION TAX ACT (65 ILCS 5/8-11-1.3) AT THE RATE OF NOT TO EXCEED 1% FOR EXPENDITURE ON PUBLIC INFRASTRUCTURE AND IMPOSE A TAX UNDER THE NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX ACT (65 ILCS 5/8-11-1.4) AT THE RATE OF NOT TO EXCEED 1% FOR EXPENDITURE ON PUBLIC INFRASTRUCTURE?"

B. The Board of Election Commissioners of DuPage County, Illinois, has met to canvass the vote of the aforementioned election, and has determined that there were 4,480 "yes" votes and 4,108 "no" votes in regard to the referendum referenced in Subsection A above.

C. That as a result of the determination of the Board of Election Commissioners of DuPage County, Illinois, as set forth in Subsection B above, the Board of Election Commissioners of DuPage County, Illinois, has further determined and declared that the referendum referenced in Subsection A above, having received the majority of the votes cast in regard to said referendum, was passed.

SECTION 2: That in light of Section 1 above, Title 9, Chapter 98 of the Lombard

Village Code is amended by adding a new Section 98.115 thereto, which shall read in its entirety

as follows:

§98.115 NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX.

(A) TAX IMPOSED. Pursuant to the referendum approved on March 21, 2006, a tax is hereby imposed upon all persons engaged in the business of

Code is amended by adding a new Section 98.116 thereto, which shall read in its entirety as follows:

SECTION 3: That in light of Section 1 above, Title 9, Chapter 98 of the Lombard Village

- (A) TAX IMPOSED. Pursuant to the referendum approved on March 21, 2006, a tax is hereby imposed upon all persons engaged in the business of making sales of service, in this Village at the rate of one percent (1%) of the selling price of all tangible personal property transferred by said servicemen, other than the sale/transfer of those items of tangible personal property which are exempt from said tax pursuant to 65 Illinois Compiled Statutes 5/8-11-1.4, either in the form of tangible personal property or in the form of real estate as an incident to the sale of service while this Section is in effect, in accordance with the provisions of 65 Illinois Compiled Statutes 5/8-11-1.4.
- (B) COLLECTION OF TAX. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue in accordance with 65 Illinois Compiled Statutes 5/8-11-1.3.
- (C) USE OF TAXES. Pursuant to the referendum referenced in Subsection (A) above, the taxes collected pursuant to this Section shall be used solely for public infrastructure as defined by 65 Illinois Compiled Statutes 5/8-11-1.2(a)."

“§98.116 NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX.

- (A) TAX IMPOSED. Pursuant to the referendum approved on March 21, 2006, a tax is hereby imposed upon all persons engaged in the business of making sales of service, in this Village at the rate of one percent (1%) of the selling price of all tangible personal property transferred by said servicemen, other than the sale/transfer of those items of tangible personal property which are exempt from said tax pursuant to 65 Illinois Compiled Statutes 5/8-11-1.4, either in the form of tangible personal property or in the form of real estate as an incident to the sale of service while this Section is in effect, in accordance with the provisions of 65 Illinois Compiled Statutes 5/8-11-1.4.
- (B) COLLECTION OF TAX. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue in accordance with 65 Illinois Compiled Statutes 5/8-11-1.4.
- (C) USE OF TAXES. Pursuant to the referendum referenced in Subsection (A) above, the taxes collected pursuant to this Section shall be used solely for public infrastructure as defined by 65 Illinois Compiled Statutes 5/8-11-1.2(a)."

SECTION 4: That the Village Clerk is hereby directed to file a certified copy of this

Ordinance with the Illinois Department of Revenue on or before October 1, 2006.

SECTION 5: That this Ordinance shall be in full force and effect from and after its

passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2006.

First reading waived by action of the Board of Trustees this _____ day of _____

_____, 2006.

Passed on second reading this _____ day of _____, 2006, pursuant to a

roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED by me this _____ day of _____, 2006.

ATTEST:

William J. Mueller
Village President

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this _____ day of _____, 2006.

Brigitte O'Brien
Village Clerk