

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

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## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 1      ADOPTION OF SEAL AND OFFICIAL FLAG, FISCAL YEAR

##### SECTION

2-1-1	Seal
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2-1-3	Private Use of Flag and Emblems
2-1-4	Private Use of Seal
2-1-5	Fiscal Year
2-1-6	Patriotic Exhibitions
2-1-7	Official Flower

#### **2-1-1            SEAL**

There is hereby adopted as the official seal for the City, and authorized as such, a seal described as follows:

- A. The Corporate Seal of the City Shall be circular in form, two inches (2") in diameter, with a border one-quarter inch (1/4") wide. Inside the border, centered at the top shall read: "City of Park Ridge" and centered inside the border, at the bottom, the words: "State of Illinois."
- B. The word "Seal" shall appear in large letters in the lower one-half (1/2) of the inside circle which defines the inside of the border.
- C. Rising from each side to an apex, equidistant from each side, a wide band matching the golden band on the official City flag, which symbolizes the Ridge, the geographical and topographical characteristic that is captured in the present name of the incorporated City.
- D. Above the Ridge, a stippled segment bisected by a classic torch with a "flame" - a symbol of the highest standards of education of all levels and ages.
- E. On the segment to the left of the torch, three (3) minor stars - symbols of the three (3) stages in our City's history: Brickton, Pennyville, and the Village of Park Ridge
- F. On the segment to the right, one large star standing for the unity and strength of our present City.

- G. Below and parallel to the wider band, two (2) narrow bands, also matching the narrow bands of our City flag, which on this flag completes the National colors and symbolizes our devotion to the United States of America and the State of Illinois.
- H. Centered below the three (3) bands will appear the word: "Incorporated" and below this word the figures "1910".

### **2-1-2 CITY FLAG**

There is hereby adopted as the official City flag, a flag designed and described as follows:

- A. Rising from each corner to an apex equidistant from each side, a golden band symbolizing the Ridge, a geographical and topographical characteristic that is captured in the present name of the incorporated City, the golden color to commemorate the Golden Anniversary of the incorporation of the City of Park Ridge in 1910.
- B. Above the Ridge a deep blue field bisected by a classic golden torch with a red "flame"...a symbol of highest standards of education at all levels and ages.
- C. On the blue field to the left of the torch, three (3) minor stars - symbols of the three (3) stages in our City's history: Brickton, Pennyville and the Village of Park Ridge.
- D. In the blue field to the right, one large white star standing for unity and strength of our present City.
- E. Below and parallel to the golden band, on a field of white, two (2) red stripes and completing the National colors and symbolizing our underlying devotion to the United States of America and the State of Illinois.
- F. At the bottom and parallel to it, the words "City of Park Ridge" in deep blue.

### **2-1-3 PRIVATE USE OF FLAGS AND EMBLEMS**

It shall be unlawful for any person to use the Municipal flag, standard, pennant or badge, or any imitation or design thereof, except for the usual customary purposes of decoration or display. No person shall print or stamp thereon any letter, word, legend or device not herein provided for. Any person convicted of a violation of this Section shall be fined not less than five dollars (\$5) nor more than five hundred dollars (\$500) for each offense.

### **2-1-4 PRIVATE USE OF SEAL**

No person shall fraudulently forge, deface, corrupt or counterfeit the Seal of the City, nor shall any person, other than the duly authorized public official make use of the said Seal. Any person

violating the provisions of this Section shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for each offense.

**2-1-5 FISCAL YEAR**

The fiscal year of the City shall begin on May 1 in each year, and end on April 30 of each year following.

**2-1-6 PATRIOTIC EXHIBITIONS**

The corporate authorities of the City may enter into any contract with any person for the purpose of arranging for the holding of any general patriotic public exhibition or celebration in the City on any public land located within the territorial limits of the City and to provide for the payment of any expense necessarily incurred in contracting for the holding of any of the specified events out of the miscellaneous receipts of the City which have not been otherwise appropriated.

**2-1-7 OFFICIAL FLOWER**

The official flower for the City shall be the red geranium.

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#### CHAPTER 2      EMERGENCY TELEPHONE SYSTEM SURCHARGE

##### SECTION

2-2-1            Emergency Telephone System Surcharge Imposed

#### **2-2-1            EMERGENCY TELEPHONE SYSTEM SURCHARGE IMPOSED**

A surcharge is hereby imposed on all billed subscribers of network connections provided by telecommunications carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the City of Park Ridge at a rate of one dollar (\$1) per month for purposes of installing, maintaining, and operating a 9-1-1 Emergency Telephone System in accordance with the Emergency Telephone System Act (50 ILCS 750/15.3) as approved by the electors of the City of Park Ridge at an election held on March 15, 1994 in accordance with Ordinance No. 94-3. Such surcharge shall be in addition to any tax levied according to law.

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### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 3 FOOD AND BEVERAGE TAX

##### SECTION

2-3-1	Tax Imposed
2-3-2	Collection of Tax
2-3-3	Registration and Maintenance of Records
2-3-4	Late Payment Penalty
2-3-5	Penalty

##### **2-3-1 TAX IMPOSED**

A tax is hereby imposed on the sale at retail of food and alcoholic beverages prepared for immediate consumption, sold in the City of Park Ridge by a business which provides, on its own premises or on premises of another pursuant to license, franchise or other contractual agreement facilities for on-premise consumption of such food or alcoholic beverage. Such tax is levied at the rate of one percent (1%) of the purchase price of each sale and is in addition to all other taxes. The tax hereby levied shall not apply to meals provided to patients or residents of health care facilities, nursing homes, or other such institutions incidental to other services where no separate consideration is charged for meals; nor shall the tax apply to food dispensed from vending machines; nor shall the tax apply to food sold under the authority of public or private school systems. The ultimate incidence and liability for payment of such tax shall be upon the retail purchaser of the food or alcoholic beverage. Nothing herein is intended to impose a tax upon the occupation of selling food or alcoholic beverages.

##### **2-3-2 COLLECTION OF TAX**

Each vendor of food or alcoholic beverages prepared for immediate consumption in the City of Park Ridge shall have the duty to collect the food and beverage tax from each purchaser and to pay it over to the City of Park Ridge, along with an accounting therefor on return forms provided by the City. The return and tax payments shall be filed with the Director of Finance on the same filing dates as are established for filing with the Illinois Department of Revenue of the Retailer's Occupational Tax Return Form RR-1-A.

**2-3-3 REGISTRATION AND MAINTENANCE OF RECORDS**

Each vendor of food or alcoholic beverages prepared for immediate consumption in the City of Park Ridge shall register with the City of Park Ridge on forms provided by the Finance Director. Each such vendor shall have the duty to maintain, complete, and accurate books, records and accounts, showing the gross receipts for the sale of food and beverages as herein described and the taxes collected from the purchaser thereof, which shall be available to the City of Park for examination and for audit by the City upon reasonable notice during customary business hours.

**2-3-4 LATE PAYMENT PENALTY**

If any tax imposed by this Chapter is not paid over to the City when due, a late payment penalty equal to one percent (1%) of the unpaid tax shall be added for each month or any portion thereof that such tax remains unpaid, and the total of such late payment penalty shall be paid along with the tax imposed hereby. The City may bring action to collect any unpaid tax or penalty.

**2-3-5 PENALTY**

In addition to any other penalty, any person violating any provision of this Chapter, upon conviction thereof, shall be fined not less than one hundred dollars (\$100), nor more than five hundred dollars (\$500), for each offense. Each failure to collect the tax imposed hereby and each failure to pay such tax over to the City of Park Ridge shall constitute a separate violation hereof.

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### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 4 MUNICIPAL SERVICE OCCUPATION TAX

##### SECTION

2-4-1	Tax Imposed
2-4-2	Filing Report
2-4-3	Payment

#### 2-4-1 TAX IMPOSED

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this State's government, at retail in this municipality at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business while this ordinance is in effect; and a tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, at the rate of one percent (1%) of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. Such "Home Rule Municipal Retailers' Occupation Tax" and the "Home Rule Municipal Service Occupation Tax" shall not be applicable to the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

The imposition of these home rule taxes is in accordance with the provisions of Sections 8-11-1 and 8-11-5, respectively, of the "Illinois Municipal Code" (65 ILCS 5/8-11-1 and 5/8-11-5).

*(Ord 2006-24,3/20/06,S24)*

#### 2-4-2 FILING REPORTS

The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

*Supp. 18 (January, 1999)*

#### 2-4-3 PAYMENT

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed.

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#### CHAPTER 5 ETHICS PROVISIONS

*(Ord 2003-57,10/20/2003, S23)*

#### SECTION

2-5-1	Definitions	
2-5-2	Disclosure Statement	
2-5-3	Prohibited Acts	
2-5-4	Policy Regarding Conflict of Interest	
2-5-5	Competing with an Entity Seeking Consideration from the City	
2-5-6	Acceptance of Gifts, Favors or Other Consideration Prohibited; State Officials and Employees Ethics Act	<i>(Ord. 2009-58, 8/17/2009)</i>
2-5-7	Purchase of Property	
2-5-8	Filing of Complaint	
2-5-9	Applicability of State Law	
2-5-10	Defense of Good Faith	
2-5-11	Other Rules and Regulations	
2-5-12	Severability	
2-5-13	Penalty	

#### 2-5-1 DEFINITIONS

The following definitions shall apply to this Chapter:

ACT ON A MATTER or ACTING ON A MATTER shall mean: (1) participating in the discussion or vote on a matter when it is before the City Council for the purpose of discussion or vote; and (2) participating in the discussion or vote on a matter when it is before a Committee of the City Council for the purpose of discussion or vote; and (3) participating in the discussion of a matter at a meeting sanctioned by the City Council when specifically designated by the City Council to do so. This shall not include the routine approval of warrants by the Finance Committee and City Council.

*(Ord. 2007-26, 4/2/07, S25)*

ACTIVELY PURSUING AN OPPORTUNITY TO ESTABLISH AN ECONOMIC RELATIONSHIP shall mean engaging in activities related to securing an Economic Relationship beyond an initial solicitation or offer made by the City Official, the City Official's business or the City Official's spouse to enter into an Economic Relationship or an initial inquiry made by an individual to the City Official, the City Official's business or the City Official's spouse. For example, an advertisement in a newspaper, church bulletin, or direct-mail piece is not "actively pursuing an opportunity to establish an Economic Relationship" under this policy. Providing an

estimate of costs for services, price list or rate to an individual is “actively pursuing an opportunity to establish an Economic Relationship.” If the individual then engages the services or places an order, an Economic Relationship is created. If the individual expressly declines the offer, and the City Official takes no further action, the City Official is no longer “actively pursuing an opportunity to establish an Economic Relationship” with the individual. If the individual expressly declines the offer, and the City Official submits a new offer, the City Official is “actively pursuing an opportunity to establish an Economic Relationship” with the individual.

*(Ord. 2007-26, 4/2/07, S25)*

BUSINESS ENTITY shall mean any organization or enterprise (operated for profit), including, but not limited to, a sole proprietorship, partnership, limited liability partnership, corporation, limited liability company, firm, business, trust, joint venture, syndicate or association.

CAMPAIGN FOR ELECTIVE OFFICE means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

*(Ord. 2009-58, 8/17/2009)*

CANDIDATE means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Election Code (10 ILCS 5/1-3).

*(Ord. 2009-58, 8/17/2009)*

CITY OFFICIAL shall include the Mayor, Aldermen and members of the Planning and Zoning Commission, the Zoning Board of Appeals, the Appearance Commission, Liquor License Review Board, the City Manager, the Assistant City Manager and Department Heads. For purposes of Section 2-5-2(D), City Official shall include the City Official’s business and the City Official’s spouse.

*(Ord. 2007-26, 4/2/07, S25)*

CITY OFFICIAL’S BUSINESS shall include any business entity in which the City Official has a five percent or more ownership interest or any business employing the City Official in a supervisory or management capacity.

*(Ord. 2007-26, 4/2/07, S25)*

COLLECTIVE BARGAINING has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

*(Ord. 2009-58, 8/17/2009)*

COMPENSATED TIME means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, “compensated time” includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

*(Ord. 2009-58, 8/17/2009)*

COMPENSATORY TIME OFF means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment. *(Ord. 2009-58, 8/17/2009)*

CONSIDERATION FROM THE CITY shall include zoning variations, zoning text amendments, zoning map amendments, subdivision, development approval, appointment to a City office, employment by the City, use of or interest in City property, transfer of City property and contracting with or product or service vending to the City. *(Ord. 2007-26, 4/2/07, S25)*

CONTRACT or DOING BUSINESS WITH THE CITY shall include any agreement between the City and any person, firm, corporation or other business entity for the purchase of materials, goods, services or real estate. Contract shall also mean a deposit of monies, loans, or other financial service provided to the City by banks and thrift institutions. Contract shall include employment by the City.

CONTRIBUTION has the same meaning as that term is defined in Section 9-1.4 of the Election Code (10 ILCS 5/9-1.4). *(Ord. 2009-58, 8/17/2009)*

CORPORATE AUTHORITIES The Mayor and Aldermen of the City of Park Ridge.

DIRECT BUSINESS COMPETITION Direct business competition occurs when one or more business entities provide a similar product or service and as a matter of practice compete for the same market or customers.

DISCLOSURE shall mean the filing, with the City Attorney, of a written statement that describes the economic relationship. *(Ord. 2007-26, 4/2/07, S25)*

ECONOMIC RELATIONSHIP shall mean any financial dealing, business relationship or client representation. This shall include any transaction or dealing of any kind or nature with a Petitioner, where the value of the goods, service or other benefit exchanged exceeds one hundred fifty dollars (\$150). However, in no event shall the term Economic Relationship be deemed to include a transaction in which the City Official is the consumer of a good (for example, clothing purchased from a merchant) or service (for example, dinner at a restaurant or the procurement of medical services), where the consumption of the good or service occurs in the ordinary course of the Petitioner's business and the price of the good or service is fixed by the merchant or service provider and is no different from that which is offered to the general public. Economic Relationship shall also specifically include campaign contributions totaling more than one hundred fifty dollars (\$150) (whether in cash or in kind) by the Petitioner made to or for the benefit of the City Official or the City Official's campaign committee or campaign fund in the past four-year time period. *(Ord. 2007-26, 4/2/07, S25)*

EMPLOYEE shall mean any person employed by the City of Park Ridge whether part-time or full-time or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor. *(Ord. 2009-58, 8/17/2009)*

EMPLOYER means the City of Park Ridge.

*(Ord. 2009-58, 8/17/2009)*

ENTITY shall include the definition of a person and business entity and shall include not-for-profit corporations.

FINANCIAL INTEREST Any economic interest or relationship, whether by ownership, trust, purchase, sale, lease, contract, option, investment, employment, gift, fee or otherwise. This shall include any such interest whether present, promised or reasonably expected; whether direct or indirect; whether or not legally enforceable; whether in the person or in a parent or subsidiary corporation, or in another subsidiary of the same parent corporation. A financial interest shall include, but is expressly not limited to, any economic interest, as set forth above, of a spouse or dependent child, as well as any economic interest held by an agent on behalf of an official or employee, a spouse or dependent child. It shall also include any economic interest held by an agent on behalf of an official or employee by a business entity managed or controlled by or by a trust in which an official or employee has a substantial interest. A business entity is controlled by an official or employee when that person or that person's spouse or dependent child, singly or in the aggregate, possess a majority ownership interest in the entity. An official or employee has a substantial interest in a trust when that person, the spouse or dependent child, singly or in the aggregate has a present or future interest worth more than one thousand dollars (\$1,000). "Financial interest" shall not include ownership through purchase at fair market value of less than one percent (1%) of the shares of a corporation whose shares are registered and traded on a nationally recognized securities market. "Financial Interest" shall also not include authorized compensation or salary paid to an official or employee for services rendered to the City of Park Ridge, or any economic benefit generally available to the residents of the City of Park Ridge.

GIFT means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee. *(Ord. 2009-58, 8/17/2009)*

IMMEDIATE FAMILY An individual's spouse, dependent children or others claimed by the individual as dependents for income tax purposes. All reference to a "person" or "person filing the statement" shall include spouse and dependent children.

LEAVE OF ABSENCE means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer. *(Ord. 2009-58, 8/17/2009)*

OFFICIAL or OFFICER means any person appointed or elected to any board, commission or other office of the City created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity, and the City Manager, the Assistant City Manager, each department head, the City Attorney and City Prosecutor. *(Ord. 2009-58, 8/17/2009)*

OWNERSHIP INTEREST A person has an ownership interest if the person is the sole proprietor, partner, stockholder, other equity interest owner, joint-venturer, beneficial owner or holds any other legally recognized interest normally indicating ownership.

PAST YEAR The preceding calendar year plus any time elapsed during the current year prior to the filing of the Disclosure Statement.

PERSON shall include any individual or business entity such as a partnership, corporation or joint venture. *(Ord. 2007-26, 4/2/07, S25)*

PETITIONER shall include any person seeking consideration from the City. *(Ord. 2007-26, 4/2/07, S25)*

POLITICAL ACTIVITY means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties. *(Ord. 2009-58, 8/17/2009)*

POLITICAL ORGANIZATION means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk. *(Ord. 2009-58, 8/17/2009)*

PROHIBITED ACTS are set forth in Section 2-5-3 of this Article. A prohibited act is an act that is forbidden under penalty of law. A prohibited act differs from a conflict of interest under this Chapter as a conflict of interest may be cured pursuant to Section 2-5-4.

PROHIBITED POLITICAL ACTIVITY means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event; or
- (2) Soliciting contributions, including but not limited to the purchase of selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event; or
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution; or
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question; or
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question; or
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question; or
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls; or
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question; or

- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office; or
- (10) Preparing or reviewing responses to candidate questionnaires; or
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question; or
- (12) Campaigning for any elective office or for or against any referendum question; or
- (13) Managing or working on a campaign for elective office or for or against any referendum question; or
- (14) Serving as a delegate, alternate, or proxy to a political party convention; or
- (15) Participating in any recount or challenge to the outcome of any election.

*(Ord. 2009-58, 8/17/2009)*

**PROHIBITED SOURCE** means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee; or
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.

*(Ord. 2009-58, 8/17/2009)*

**PUBLIC BODY** means any agency, board, body, commission, committee, department or office of the City.

## **2-5-2 DISCLOSURE STATEMENT<sup>1</sup>**

- A. **Time for Filing.** Officials shall file the Disclosure Statement immediately upon taking office and it shall apply to the twelve (12) months immediately preceding the taking of office. Reference to “doing business with the City” shall apply to the same period as references to the person’s interest in business. Persons already holding office at the time of adoption of this Ordinance shall file the Disclosure Statement within thirty (30) days of such adoption. If the information furnished in the Disclosure Statement changes during the official’s tenure or term of employment, the official shall so notify the City Clerk in writing within thirty (30) days of the change.

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<sup>1</sup> See Exhibit A attached to this ordinance (2003-57) which is on file in the Office of the City Clerk

B. Persons Required to File. The following persons shall be required to file a Disclosure Statement:

1. All persons holding an elective office
2. Zoning Board of Appeals Members
3. Planning and Zoning Commission
4. Appearance Review Commission Members
5. Employees as defined in 5 Illinois Compiled Statutes 420/4A-101, *et seq.* (Disclosure of Economic Interest)
6. City Attorney
7. City Engineer
8. City Prosecutor
9. Library Board of Trustees Members

*(Ord. 2008-88, 12/01/2008)*

C. Contents of Disclosure Statement The Disclosure Statement shall report the following:

1. **Real Property.** Any financial interest in real property located inside or in an unincorporated area within one and one-half (1-1/2) miles of the corporate limits of the City of Park Ridge. The statement shall include the common address and permanent index number ("PIN") of each parcel of real estate owned and shall indicate the nature of the interest held in the real estate.

The property in which the official resides shall be exempt from the provisions of this Section.

2. **Gifts, Loans and Services.** Any gifts or services rendered or series of gifts or services rendered that have a total or cumulative value in excess of one hundred dollars (\$100) which have been received from any person or entity which has done business with the City during the past year.

*(Ord. 2009-58, 8/17/2009)*

If the official filing the statement has been released from any indebtedness or series of indebtedness whose total exceeds the amount of one hundred fifty dollars (\$150) by any person or business entity doing business with the City without either paying the total balance due or giving adequate consideration, a statement shall be included listing the name of the creditor, the nature and amount of the indebtedness released and a description of the circumstances concerning the release.

The foregoing shall not apply to consumer discounts or premiums received by an official, from a business, where the same discounts or premiums are offered to all consumers.

3. **Interest in Business Entity Doing Business with or Seeking Consideration from the City** Any financial or ownership interest of one percent (1%) or more in any business entity which has done business with or sought consideration from the City during the past year. The disclosure shall include the extent and nature of the ownership interest and the type of business conducted with or consideration sought from the City.

4. **Position of Influence in Business Entity Doing Business with or Seeking Consideration from the City** Any position of influence such as officer, director, partner, attorney for, or consultant for any business entity doing business with or seeking consideration from the City of Park Ridge. The disclosure shall include your position and the type of business conducted with or consideration sought from the City.
5. **Employment by Business Entity Doing Business with or Seeking Consideration from the City** Any employment by any entity doing business with or seeking consideration from the City. The statement shall include the name of the employing entity and the type of business conducted with or consideration sought from the City.
6. **Personal Business Done with or Consideration Sought from the City** Any business which you have done with or any consideration which you have sought from the City. This statement shall include the type of business with or consideration sought from the City.
7. **Financial Interests at O'Hare and Midway Airports** Any financial interest in any contract with O'Hare or Midway Airports, any entity doing business at O'Hare or Midway Airports or with the City of Chicago for a concession or service for or at O'Hare or Midway Airports.
8. **Gambling or gambling interests within or Outside of the State of Illinois** Any financial interest in any casino or casino licensee or any business providing service or goods to a casino or casino licensee in the State of Illinois.
9. **Liquor Industry Interests** Any financial interest in any entity holding a liquor license in the City of Park Ridge.
10. **Ownership Interest in Property Lying Within the Corporate Limits or Within a 15-Mile Radius of the Village of Peotone** Any ownership interest in any real property lying within the corporate limits of or within a 15-mile radius of the Village of Peotone.

#### D. Policy

##### Disclosure of Economic Relationship

##### 1. Policy Statement

One of the primary duties of a City Official is to Act on Matters where a Petitioner is seeking Consideration from the City. From time to time, a City Official may be required to Act on a Matter in circumstances where the City Official is involved in an Economic Relationship with a Petitioner.

It is the intent of this section that it be construed broadly for the purpose of granting to the citizens of Park Ridge full knowledge of the dealings of City Officials as those dealings may relate to City business.

## 2. Disclosure Required

When a City Official is called upon to Act on a Matter in the course of his or her official duties, the City Official shall publicly disclose any Economic Relationship the City Official has with a Petitioner prior to Acting on the Matter, where either: (1) the City Official has a current Economic Relationship with a Petitioner; or (2) the City Official has had a previous Economic Relationship with a Petitioner while the City Official knew that the Petitioner was seeking Consideration from the City; or, (3) the City Official is actively pursuing an opportunity to establish an Economic Relationship with the Petitioner. If disclosure pursuant to this policy would violate a confidential relationship between the City Official and the Petitioner, (such as an Attorney/Client privilege or HIPAA), then the City Official shall abstain from Acting on the Matter and when abstaining, need state only that the abstention is done pursuant to this policy.

In the case of Disclosure of campaign contributions, the actual amount of the contributions shall be disclosed. The Disclosure statement shall be filed prior to the time of Acting on the Matter. The City Attorney shall read the Disclosure into the record at the next regular meeting of the City Council. However, should the matter require discussion prior to such meeting, then the City Attorney shall give notice of the Disclosure to the City Manager; the City Clerk and each member of the City Council within twenty-four hours of its filing.

Notwithstanding the foregoing, in no event shall the City Official be required or expected to disclose any matter of which the City Official does not have actual knowledge.

## 3. Filing of a Complaint

Any person may charge a violation of this Chapter by affidavit setting forth the alleged violation. The violation shall be filed with the City Attorney. The City Attorney shall then retain an Independent Reviewer for the purpose of determining whether there is probable cause to believe that a violation was committed. The Independent Reviewer shall have at least one of the following qualifications:

- a. retired judge of a court of competent jurisdiction;
- b. at least five years of experience as a prosecutor with either the office of the U.S. Attorney or the Cook County State's Attorney;
- c. currently acting as an Administrative Adjudicator with a municipality in Cook County, Illinois.

As part of the review, the Independent Reviewer may interview the charging party in person. The Independent Reviewer shall render a written decision within forty-five days of the filing of the complaint. If there is a finding of probable cause, the City Manager shall retain special counsel to prosecute the alleged violation in the Circuit Court of Cook County, Illinois.

- E. **Requests For Release** All disclosure statements filed under this Chapter shall be available for examination and copying by the public at all reasonable times. Each person examining a statement must first fill out a form identifying the examiner by name and address with the date of examination.

*(Ord. 2007-26, 4/2/07, S25)*

### 2-5-3 PROHIBITED ACTS

The following acts are not mere conflicts of interest, but are absolutely prohibited:

- A. **Use of Position to Obtain Employment For Others.** No official shall, directly or indirectly obtain or seek to obtain preferential treatment for any person seeking employment or other consideration from the City for any purpose other than the betterment, advantage or best interests of the City. Nothing shall preclude the Corporate Authorities from exercising the full authority vested in them in the hiring of the City Manager or other official, which it has a duty to hire.
- B. **Discrimination.** No official shall appoint or remove or in any other way favor or discriminate against any other person with respect to any appointive office because of his or her race, age, sex, sexual orientation, gender identity, color, religious affiliation, political preference, national origin, physical or mental disability, ancestry, marital status, parental status, unfavorable discharge from the military (except dishonorable), source of income, housing status, or any other protected status under applicable law.  
*(Ord 2003-121, 12/1/2003, S23)*
- C. **Rewards For Political Activity.** No official shall promise an appointment to any municipal position as a reward for any political activity or cause or require any City employee to contribute to or perform services for any political party as a condition of continued employment or under threat of detriment to employment.
- D. **Use of City Equipment.** No official or employee shall request or permit the use of the City-owned vehicles, equipment, materials or property for convenience, profit or political purposes, except when such services are available to the public generally or are provided as City policy for the use of such public official.
- E. **Representation of Persons in Matters Involving the City of Park Ridge.**
1. No person serving in the following capacities within the City shall, while serving or within two (2) years after his or her office or employment has ceased, act as agent, consultant or attorney for any party in that other party's request for consideration from the City or in that other party's claim against the City:
    - a. Mayor
    - b. Alderman
    - c. City Manager or Assistant City Manager
    - d. Department head
    - e. City Attorney
    - f. City Engineer
    - g. City Prosecutor

2. No person serving in the following capacities within the City shall, while serving, act as agent, consultant or attorney for any party in that other party's request for consideration from the Zoning Board of Appeals, the Planning and Zoning Commission or the Appearance Commission.

- a. Member of Planning and Zoning Commission
- b. Member of Zoning Board of Appeals
- c. Member of Appearance Commission

- F. **Pecuniary Gain From The City.** No elected City official, the City Manager, the Assistant City Manager, City Attorney or Department Head shall do any business of any kind or nature with the City except for the performance of those duties specified for the particular office holder by statute, ordinance or other regulation or order. This shall not prevent an entity in which one of those officials has an ownership interest from doing business with the City so long as the conflicting ownership interest is less than one percent (1%) or the affected official complies with the conflict of interest requirements of Section 2-5-4.

G. **Attempts to Influence Members of Boards or Commissions.**

1. **Purpose.** The purpose of this subparagraph is to encourage public rather than private expression of opinions on matters pending before the City's Boards and Commissions by elected officials, petitioners, and representatives of petitioners.
2. **Undisclosed Discussions Prohibited; Elected Officials.** An elected official of the City may not have any undisclosed communication with any member of a City Board or Commission concerning any issue that is pending before that Board or Commission. For purposes of this subparagraph (2), "pending" shall include that period of time when the elected official discovers that the matter may come before that Board or Commission and the time that the Board or Commission renders its final decision on that issue.
3. **Undisclosed Discussions Prohibited; Petitioners.** A petitioner or a representative of a petitioner may not have any undisclosed communication with a member of a City Board or Commission with respect to the matter that the petitioner has pending before that Board or Commission. For purposes of this subparagraph 3, "pending" shall include that period of time when the petitioner or petitioner's representative reasonably believes the matter may be brought before a Board or Commission and the time that the Board or Commission renders its final decision on that issue.
4. **Board or Commission Defined.** For purposes of this subparagraph G, "Board or Commission" means the Planning and Zoning Commission, Zoning Board of Appeals, Appearance Commission, Civil Service Commission, Fire and Police Commissioners, Police Pension Board, Firemen's Pension Board, Liquor License Review Board, and Fair Housing Commission. For purposes of this subparagraph (G), a liaison to a Board or Commission is considered a member of the Board or Commission.

5. **Communication Defined.** Communication shall include, but not be limited to, face-to-face discussion, communication through an intermediary, telephone communication, written communication and electronic messaging.
6. **Undisclosed Communication Defined.** Undisclosed communication shall include any such communication with any member of a Board or Commission, petitioner or petitioner's representative that is not disclosed by the elected official on the record at a public meeting and any such communication that a petitioner or petitioner's representative has with a member of a Board or Commission that is not disclosed by the petitioner or petitioner's representative on the record at a public meeting.
7. **Petitioner Defined.** Petitioner shall include but not be limited to, an individual or entity that seeks relief or files an application for relief with a Board or Commission. Representative shall include but not be limited to, attorneys, architects, analysts, and any other expert consultant or agent who presents information on behalf of a petitioner to a Board or Commission.

This subparagraph (G) shall not prohibit an elected official, petitioner, or representative of a petitioner from expressing an opinion at a public hearing or other public meeting held for the purpose of publicly discussing or deciding the matter.

This subparagraph (G) shall also not prohibit a member of a Board or Commission from requesting information from an elected official in writing. A copy of the request shall be provided to all members of the Board or Commission. Further, this subparagraph (G) shall also not prohibit an elected official from providing a written opinion to a Board or Commission. A copy of any such opinion shall be provided to each member of the Board or Commission, as well as to all other elected officials. Any written communications noted herein shall be entered as part of the record of the matter pending before the Board or Commission.

#### H. **Prohibited Political Activities**

*(Ord. 2009-58, 8/17/2009)*

1. No officer or employee shall intentionally perform any prohibited political activities during any compensated time. No officer or employee shall intentionally use any property or resources of the City in connection with any prohibited political activity.
2. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).
3. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

4. Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.
5. No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

**2-5-4****POLICY REGARDING CONFLICT OF INTEREST**

- A. **Persons Who Are to Avoid Conflict Of Interest.** All officials, employees or professional consultants for the City shall attempt to avoid conflicts of interest with the City. However, if any person develops a conflict of interest due to business commitments or other matters of personal advantage that were not designed to exploit the official's or employee's position with the City, the person shall comply with subsection C below.
- B. **Standard for Determining Conflict of Interest.** For purposes of this Section 2-5-4, a conflict of interest is created when a non-City interest would cause an impairment of the official's ability to exercise independent judgment on behalf of the City. The standard for determining impairment of independent judgment is objective rather than subjective and shall be whether a person of ordinary and reasonable judgment would be affected.

Any of the foregoing notwithstanding, a person shall be deemed to have a conflict of interest in the following circumstances.

1. The person is seeking to acquire a one percent (1%) or more ownership interest in or is about to become an officer, director, management official, employee, attorney or other professional consultant in any entity seeking consideration from or attempting to establish a business relationship with the City.
2. The person is representing another person or entity as an advocate or consultant in a matter not concerning the City of Park Ridge in which the other entity or person being represented has another interest which is adverse to the interests of the City, or when that other entity or person is actively seeking other consideration from the City.

- C. **Resolving Conflicts of Interest**

1. If a member of the Corporate Authorities develops a conflict of interest that is prohibited by statute, that person will abide by the statute in question.

2. If a member of the Corporate Authorities develops a conflict of interest that is prohibited by B (1) or (2) above, that person shall abstain from discussion statement or vote on the matter.
3. If a member of the Corporate Authorities develops a conflict of interest that is not prohibited by statute or is not defined by B (1) and (2) above, that member shall be permitted to issue written statements with respect to or participate in public meeting discussions of the issue involved in the conflict, however the member shall also abide by the following:
  - a. Make full written disclosure to the City Clerk or make public disclosure of the conflict at an open meeting.
  - b. Refrain from voting on the issue involved in the conflict.
  - c. Refrain from private discussions with other members of the Corporate Authorities, City staff members or City consultants with respect to the issue involved in the conflict.
4. a. If the City Manager, Assistant City Manager or Finance Director develops any conflict of interest of any kind or nature, that person shall:
  - i. make full written disclosure to the City Clerk or make public disclosure of the conflict at an open meeting; and
  - ii. abide by any prohibitions or restrictions issued by either the Corporate Authorities or the City Manager, with respect to participation in the resolution of the issue that is the subject of the conflict.
- b. If any consultant or any employee other than the City Manager, Assistant City Manager or Finance Director develops a conflict of interest and may reasonably be expected to advise or participate in the discussion of the issue that is the subject of the conflict, that person shall:
  - i. make full written disclosure to the City Clerk or make public disclosure of the conflict at an open meeting; and
  - ii. abide by any prohibitions or restrictions issued by either the Corporate Authorities or the City Manager, with respect to participation in the resolution of the issue that is the subject of the conflict.
5. If the conflict involves numerous issues or is so pervasive that it would render the person unable to properly carry out his or her obligations to the City, the person shall resign the office or position.

**2-5-5           COMPETING WITH ANY ENTITY SEEKING CONSIDERATION FROM THE CITY**

An official shall comply with subsection 2-5-4(C) 3 of this Chapter when the official: a) has actual knowledge that an entity is seeking consideration from or attempting to establish a business relationship with the City; and b) has actual knowledge that the same entity is in direct business competition with another entity in which the same official has or is about to acquire more than a one percent (1%) interest in or is about to become an official, director, management official, employee, attorney or other professional consultant.

**2-5-6           ACCEPTANCE OF GIFTS, FAVORS OR OTHER CONSIDERATION PROHIBITED; STATE OFFICIALS AND EMPLOYEES ETHICS ACT**

*(Ord. 2009-58, 8/17/2009)*

A.   **Gifts, Favors or Other Consideration.** No public official or his/her immediate family living with him/her shall accept any gift, favor or consideration, from any prohibited source, nor shall such public official:

1. accept any gift, favor or other consideration of value that may tend to influence the official in the discharge of his or her duties; or
2. grant in the discharge of his or her duties any improper favor, service or thing of value.

*(Ord. 2009-58, 8/17/2009)*

B.   **State Officials and Employees Ethics Act Adopted.** The State Officials and Employees Ethics Act<sup>2</sup> is hereby adopted as required by Section 70-5 of the Act<sup>3</sup>. Section 2-5-6(A) is not applicable to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and

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<sup>2</sup>5 ILCS 430/1-1, *et seq.*

<sup>3</sup>5 ILCS 430/70-5

- including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
  8. Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
  9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
  10. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
  11. Bequests, inheritances, and other transfers at death.
  12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

*(Ord. 2009-58, 8/17/2009)*

- C. **Disposition of gifts.** An officer or employee, his or her spouse, or an immediate family member living with the officer or employee, does not violate this Section if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

*(Ord. 2009-58, 8/17/2009)*

- D. **Ethics Advisor.** The City Attorney is the designated Ethics Advisor for the City of Park Ridge. The Ethics Advisor shall provide guidance to the officers and employees of the City concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws. The Ethics Advisor shall perform other such duties as may be delegated by the Mayor and City Council. *(Ord. 2009-58, 8/17/2009)*
- E. **Future Amendments to State Officials and Employees Ethics Act.** Any amendment to the State Officials and Employees Ethics Act<sup>4</sup> that becomes effective after the passage of this Section shall be incorporated into this Section by reference and shall be applicable to the solicitation and acceptance of gifts. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Section by reference without formal action by the Corporate Authorities of the City. *(Ord. 2009-58, 8/17/2009)*
- F. **Future Declaration of Unconstitutionality of State Officials and Employees Ethics Act.**
1. If the Illinois Supreme Court declares the State Officials and Employees Ethics Act<sup>5</sup> unconstitutional in its entirety, then this Section (except subsection A of this Section) shall be repealed as of the date that the Supreme Court's decision becomes final and not subject to any further appeals or rehearings. This Section (except subsection A of this Section) shall be deemed repealed without further action by the Corporate Authorities of the City if the Act is found unconstitutional by the Illinois Supreme Court.
  2. If the Illinois Supreme Court declares part of the State Officials and Employees Ethics Act<sup>6</sup> unconstitutional but upholds the constitutionality of the remainder of the Act or does not address the remainder of the Act, then the remainder of the Act as adopted by this Section shall remain in full force and effect; however, that part of this Section relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the Corporate Authorities of the City.

*(Ord. 2009-58, 8/17/2009)*

## 2-5-7 PURCHASE OF PROPERTY

Nothing in this Chapter 5 shall be construed as precluding an official or employee from buying property which may someday be the subject of zoning or similar action as long as such official or employee does not acquire such property on the basis of information which is unavailable to other members of the public and does not vote or attempt to influence the vote of others with respect to such property.

## 2-5-8 FILING OF COMPLAINT

The City Clerk is authorized to receive and maintain a log of all complaints made against individuals subject to this Chapter 5. Each complaint shall be submitted to the City Attorney. Upon a review of the evidence, the City Attorney shall make a recommendation to the Corporate

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<sup>4</sup>5 ILCS 430/1-1, *et seq.*

<sup>5</sup>5 ILCS 430/1-1, *et seq.*

<sup>6</sup>5 ILCS 430/1-1, *et seq.*

Authorities as to whether or not prosecution is warranted. The Corporate Authorities shall then, by majority vote including the Mayor, authorize or not authorize prosecution for violation of a local ordinance. If it is a member of the Corporate Authorities who is accused, that member shall not participate in the vote. If the vote is to not authorize prosecution, then neither the City Attorney nor the City Prosecutor may commence prosecution.

For purposes of this Section, prosecution shall mean the filing of an action in the Circuit Court of Cook County, by either the City Attorney or City Prosecutor alleging violations of this Chapter 5. In the event no prosecution is commenced, the City Attorney's log and complaint files shall not be open for public inspection, unless requested by the individual who was the subject of the complaint. However, the person making the complaint shall be notified in writing of the decision of the Corporate Authorities. To the extent that it is practicable to do so, an elected City official should use his or her best efforts to notify, in writing, other elected City officials prior to filing a complaint or charges against any City official or employee. If the complaint is against the City Attorney or if it is otherwise inappropriate for the City Attorney to act, the Corporate Authorities shall retain independent counsel to evaluate and if necessary prosecute the complaint.

#### **2-5-9            APPLICABILITY OF STATE LAW**

Nothing in this Chapter 5 shall be deemed to or in any way restrict the application of any state law or any common law provision with respect to conflict of interest, malfeasance, misfeasance, nonfeasance in office which would otherwise be applicable to any person subject to the provisions of this Chapter 5. The provisions of this Chapter 5 shall be deemed additional requirements and shall in no way be construed to be in derogation of present statutory penalties and other local remedies for acts prohibited in this Chapter 5.

#### **2-5-10          DEFENSE OF GOOD FAITH**

It shall be an absolute defense to any action brought against any official, employee or agent that, prior to acting, the person received in writing and in good faith from the City Attorney, or person appointed by the Corporate Authorities to act in his or her stead, an opinion that the action is not a violation of this Chapter 5.

#### **2-5-11          OTHER RULES AND REGULATIONS**

In addition to the provisions of this Chapter 5 the City Manager is authorized to promulgate rules and regulations for employees relating to outside employment and business interests, conflict of interests, or other matters of ethics as he or she may deem necessary. In the event of a conflict between such rules and regulations promulgated by the City Manager and the requirements of this Chapter 5, the more stringent rules, regulations or requirements shall apply to City employees.

**2-5-12 SEVERABILITY**

The various provisions of this Chapter are to be considered as severable, and if any part or portion of this Chapter shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Chapter.

**2-5-13 PENALTY**

*(Ord. 2007-26, 4/2/07, S25)(Ord. 2009-58, 8/17/2009)*

- A. Any person who intentionally violates any provision of Section 2-5-3(H) may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- B. A person who intentionally violates any provision of Section 2-5-6 is subject to a fine in an amount not less than \$1,001 and not more than \$5,000.
- C. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.
- D. A violation of Section 2-5-3(H) of this Code shall be prosecuted as a criminal offense by an attorney for the City by filing in the Circuit Court information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.
- E. A violation of Section 2-5-6 of this Code may be prosecuted as a quasi-criminal offense by an attorney for the City.
- F. In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Section 2-5-3(H) or 2-5-6 of this Code is subject to discipline or discharge.
- G. An elected official who violates any other provision of this Chapter shall be fined not less than \$1,000 nor more than \$5,000 for each offense.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 6      **USE TAX ON CERTAIN TANGIBLE PERSONAL PROPERTY PURCHASED OUTSIDE THE STATE OF ILLINOIS**

##### SECTION

2-6-1            Tax Imposed

#### **2-6-1            TAX IMPOSED**

A tax is hereby imposed upon the privilege of using in the City tangible personal property purchased at retail from a retailer outside the State of Illinois whenever such tangible personal property is titled or registered with an agency of the government of the State of Illinois at a rate of one percent (1%) of the selling price of such tangible personal property, as "selling price" as defined in the Use Tax Act, 35 ILCS 105. The State of Illinois Department of Revenue shall collect such taxes from persons and legal entices whose Illinois address for titling or registration purposes is given as being within the City.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 7      UTILITY TAX

##### SECTION

2-7-1	Tax Imposed
2-7-2	Limitations
2-7-3	Effect of Other Compensation
2-7-4	Definitions
2-7-5	Reserved
2-7-6	Payment
2-7-7	Payment by Mistake
2-7-8	Recovery of Tax Due
2-7-9	Penalty

#### **2-7-1      TAX IMPOSED**

A tax at the rate hereinafter specified is hereby established and levied by the City of Park Ridge on the following occupations or privileges:

- A. Persons engaged in the business of transmitting messages by means of electricity at a rate of five percent (5%) of the gross receipts from such business originating within the corporate limits of the City of Park Ridge.
- B. Persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of the City of Park Ridge and not for resale, at a rate of five percent (5%) of the gross receipts therefrom.
- C. Persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of the City of Park Ridge, and not for resale, at a rate of five percent (5%) of the gross receipt therefrom. The tax imposed under this Section shall not apply with respect to gross receipts pertaining to bills for the distribution, supply, furnishing or sale of electricity where the use or consumption of the electricity is subject to the tax imposed under Section 2-7-1 et seq. of this Code. If a taxpayer under this Section is unable to use a credit authorized by this Section solely because the tax imposed by this Section has been replaced by the tax imposed under Section 2-7-1 et seq., then the taxpayer may apply such credit against any tax due under 2-7-1 et seq.

- D. Persons engaged in the business of distributing, supplying, furnishing or selling water for use or consumption within the corporate limits of the City of Park Ridge and not for resale, at a rate of five percent (5%) of the gross receipts therefrom.

### **2-7-2 LIMITATIONS**

None of the taxes authorized by this Chapter are imposed with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the constitution and statutes of the United States, be made the subject of taxation by the State or any political subdivision thereof, nor shall any person engaged in the business of distributing, supplying, furnishing or selling gas, water or electricity or engaged in transmitting messages by electricity be subject to taxation under the provisions of this Chapter for such transactions as are or may become subject to taxation under the provisions of the Municipal Retailers Occupation Tax authorized by Section 8-11-1 of the Illinois Municipal Code.

### **2-7-3 EFFECT OF OTHER COMPENSATION**

The taxes enumerated in this ordinance shall be in addition to the payment of money, or value of products or services furnished to the municipality by the taxpayer as compensation for the use of its streets, alleys or other public places or installation and maintenance therein, thereon or thereunder of poles, wires, pipes or other equipment used in the operation of the taxpayer's business.

### **2-7-4 DEFINITIONS**

For the purpose of the taxes enumerated in this Chapter:

**GROSS RECEIPTS:** The consideration received for the transmission of messages by electricity, the consideration received for distributing, supplying, furnishing or selling gas, water or electricity for use or consumption and not for resale, and for all services rendered in connection therewith valued in money including cash, credit services, and property of every kind and material and for all services rendered therewith and shall be determined without any deduction on account of the cost of transmitting such messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever.

**TRANSMITTING MESSAGES BY ELECTRICITY:** This term, in addition to the usual and popular meaning of person-to person communication, shall include the furnishing for consideration of service or facilities (whether owned or leased, or both) to persons in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages as are furnished for a consideration, by such persons to other persons, for the transmission of messages.

**PERSON:** Any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, municipal corporation or political subdivision, or receiver, trustee, conservator or other representative appointed by order of any court.

**2-7-5            RESERVED****2-7-6            PAYMENT**

On or before the last day of August of each year, each taxpayer shall make a return to the City Treasurer for the month of July of that year, stating:

- A.    His name;
- B.    His principal place of business;
- C.    His gross receipts during the month upon the basis of which the tax is imposed;
- D.    Amount of tax;
- E.    Such other reasonable and related information as the corporate authorities may require.

On or before the last day of each month thereafter each taxpayer shall make a like return to the City Treasurer for a corresponding one-month period.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if he so elects, report and pay an amount based upon his total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts. However, in the event that the amount of billing for a month is not ascertainable by the taxpayer, then the tax may be paid based upon an estimate of the month's collection for a period not to exceed two (2) months. For the third month of each quarter, the payment shall be based on actual billings for the quarter, less the payments made for the previous two (2) months.

**2-7-7            PAYMENT BY MISTAKE**

If it shall appear that an amount of tax has been paid which was not due under the provisions of this Chapter, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this Chapter from the taxpayer who made the erroneously payment; provided that no amounts erroneously paid more than one year prior to the filing of a claim therefor shall be so credited.

**2-7-8            RECOVERY OF TAX DUE**

No action to recover any amount of tax due under the provisions of this Chapter shall be commenced more than three (3) years after the due date of such amount.

**2-7-9 PENALTY**

Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provisions of this Chapter, is guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) and in addition shall be liable in a civil action for the amount of tax due.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 7.1 TELECOMMUNICATIONS TAX

##### SECTION

2-7.1-1	Application of Tax Imposed by Section 2-7-1(A)
2-7.1-2	Title
2-7.1-3	Definitions
2-7.1-4	Tax Imposed
2-7.1-5	Collection of Tax by Retailers
2-7.1-6	Filing Returns and Remittances by Retailers
2-7.1-7	Registration
2-7.1-8	Obligation of Taxpayers to File Returns and Pay Tax
2-7.1-9	Resale Numbers
2-7.1-10	Maintaining Books and Records
2-7.1-11	Rules and Regulations
2-7.1-12	Severability
2-7.1-13	Status of Illinois Municipal Code §8-11-17

#### **2-7.1-1 APPLICATION OF TAX IMPOSED BY SECTION 2-7-1(A)**

The tax provided for in Section 2-7-1(A) of this Code shall not be imposed during such time as the tax imposed by this Chapter 7.1 is in effect.

#### **2-7.1-2 TITLE**

This Chapter shall be known cited as the "Park Ridge Telecommunications Tax Ordinance". The tax imposed by this Chapter shall be known as the "Park Ridge Telecommunications Tax" and is imposed in addition to all other taxes imposed by the City of Park Ridge, the State of Illinois, or any other municipal corporation or political subdivision thereof.

#### **2-7.1-3 DEFINITIONS**

When any of the following words or terms is used in this Chapter, whether or not capitalized, they shall have the meaning or construction ascribed to them in this Section:

- 
- A. "City" means the City of Park Ridge, Illinois.
- B. "Department" or "Department of Finance" means the Department of Finance of the City.
- C. "Director" or "Director of Finance" means the Director of Finance of the City.
- D. "Amount paid" means the amount charged to the taxpayer's service address located in the City regardless of where such amount is billed or paid.
- E. "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in the City, and for all services rendered in connection therewith, valued in money, whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. However, "gross charge": shall not include:
1. any amounts added to a purchaser's bill because of a charge made pursuant to: (a) the tax imposed by this Chapter, (b) additional charges added to a purchaser's bill pursuant to Section 9-222 of the Illinois Public Utilities Act, (c) the tax imposed by the Illinois Telecommunications Excise Tax Act or (d) the tax imposed by section 4251 of the United States Internal Revenue Code;
  2. charges for a sent collect telecommunication received outside of the City;
  3. charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. This subsection (E)(3) applies, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment and accounting equipment and also applies to the usage of computers under a time-sharing agreement;
  4. charges for customer equipment, including equipment that is leased or rented by the customer from any source, provided that such charges are desegregated and separately identified from other charges;
  5. charges to business enterprises certified under Section 9-222.1 of the Illinois Public Utilities Act to the extent of such exemption and during the period of time specified by the Illinois Department of Commerce and Community Affairs;
  6. charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries, or between the wholly owned subsidiaries, when the tax imposed under this chapter previously was paid to a retailer, but only to the extent that the charges between the parent corporation and wholly owned subsidiaries, or between the wholly owned subsidiaries, represent an expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

7. bad debts; provided, however, that if any portion of a debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion of the debt paid during the reporting period; or
  8. charges paid by inserting coins in coin-operated telecommunication devices.
- F. "Bad debt" means any portion of a debt that is related to a sale at retail, for which gross charges are not otherwise deductible or excludable, that has become worthless or uncollectible as determined by applicable federal income tax standards.
- G. "Interstate telecommunications" means all telecommunications that either originate or terminate outside the State of Illinois.
- H. "Intrastate telecommunications" means all telecommunications that originate and terminate within the State of Illinois.
- I. "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, any receiver, trustee, guardian or other representative appointed by order of any court, the federal government, state governments, state universities created by statute or any city, town, county or other political subdivision of this state.
- J. "Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.
- K. "Retailer" means and includes every person engaged in the business of making sales at retail as defined in subsection "M," of this Section.
- L. "Retailer maintaining a place of business in this state," or any like designation, means and includes any retailer having or maintaining within the State of Illinois, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or an agent or other representative operating within the State of Illinois under the authority of the retailer or its subsidiary, irrespective of whether such place or business, agent or other representative is located in the State of Illinois permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in Illinois.
- M. "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services rendered in connection therewith for consideration
1. to persons other than the federal government, state government and state universities created by statute, and
  2. other than between a parent corporation and its wholly owned subsidiaries, or between the wholly owned subsidiaries, but only when the tax previously has been paid to a retailer and the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for resale.

- N. "Service address" means the location of telecommunications equipment from which telecommunications are originated or at which telecommunications are received by a taxpayer. If this location is not a defined location, as in the case of mobile phones, paging systems, maritime systems, air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code or location in Illinois where bills are sent.
- O. "Taxpayer" means a person that individually, or through its agents, employees or permittees, engages in the act or privilege of originating or receiving telecommunications in the City and that incurs a tax liability under this Chapter.
- P. 1. "Telecommunications," in addition to the usual and popular meaning, includes, but is not limited to, messages or information transmitted through use of local, toll and wide area telephone services, channel services, telegraph services, teletypewriter services, computer exchange services, cellular mobile telecommunications services, specialized mobile radio services, paging services or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiberoptics, laser, microwave, radio, satellite or similar facilities.
2. The definition of "telecommunications" set forth in subsection "P.1." shall not include (a) value-added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission or (b) purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by it to the ultimate retail consumer originating or terminating the taxable end-to-end telecommunications.

#### **2-7.1-4 TAX IMPOSED**

- A. A tax is hereby imposed upon:
1. the act or privilege of originating in the City or receiving in the City intrastate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer; and
  2. the act or privilege of originating in the City or receiving in the City interstate telecommunications by a person at a rate of five percent (5%) of the gross charge for such telecommunications purchased at retail from a retailer.
- B. To prevent actual multi-state taxation of the act or privilege that is subject to taxation under subsection "A.2." of this Section, any taxpayer, upon proof that the taxpayer has paid a tax in another state on the same event, shall be allowed a credit against the tax authorized by subsection "A.2." to the extent of the amount of such tax properly due and paid in such other state which was not previously allowed as a credit against any other state or local tax in this State.

- C. The tax imposed by this Chapter is not imposed on any act or privilege to the extent that such act or privilege may not, under the Constitution or statutes of the United States, be made the subject of taxation by the City.
- D. Carrier access charges, right of access charges, charges for use of inter-company facilities and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service are sales for resale and are not subject to the tax imposed by this Chapter.

#### **2-7.1-5 COLLECTION OF TAX BY RETAILERS**

- A.
  - 1. Any retailer maintaining a place of business in this State and making or effectuating a sale at retail shall collect the tax authorized by this Chapter from the taxpayer and remit it to the Department as provided by Section 6 of this Chapter.
  - 2. Any tax required to be collected pursuant to this Chapter and any tax collected by the retailer shall constitute a debt owed by the retailer to the City.
  - 3. The retailer shall collect the tax from the taxpayer by adding the tax to the gross charge for the act or privilege of originating or receiving telecommunications when sold for use in the manner prescribed by this Chapter.
  - 4. The tax authorized by this Chapter shall constitute a debt of the purchaser to the retailer providing taxable services until paid and, if unpaid, is recoverable at law in the same manner as the original charge for taxable services.
- B. The Director shall, upon application, authorize the collection of this tax by any retailer not maintaining a place of business in this State who, to the satisfaction of the Director, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect the tax imposed by this Chapter. When so authorized, it shall be the duty of the retailer to collect the tax upon all of the gross charges for telecommunications originated or received in the City in the same manner, and subject to the same requirements, as a retailer maintaining a place of business in this State.
- C. The tax authorized by this Chapter shall, when collected, be stated as a distinct item separate and apart from the gross charge for telecommunications.

#### **2-7.1-6 FILING RETURNS AND REMITTANCES BY RETAILERS**

On or before the last day of each calendar month, every retailer maintaining a place of business in this state and every retailer authorized by the Director to collect the tax imposed by this Chapter shall file with the Department a remittance return and remit all applicable tax for the preceding calendar month. The return shall be filed on a form prescribed by the Director; containing such information as the Director may reasonably require.

**2-7.1-7 REGISTRATION**

Every retailer maintaining a place of business in this state shall register with the Department within thirty (30) days after the effective date of this Chapter or the date of becoming such a retailer, whichever is later.

**2-7.1-8 OBLIGATION OF TAXPAYERS TO FILE RETURNS AND PAY TAX**

- A. If a retailer fails to collect the tax authorized by this Chapter from a taxpayer, as required by Section 5, then the taxpayer shall pay the tax directly to the department.
- B. On or before the last day of each calendar month, every taxpayer who has not paid the tax imposed by this Chapter to a retailer shall file with the Department a tax return and pay the tax upon the gross charges the taxpayer paid to the retailer during the preceding calendar month. The return shall be filed on a form prescribed by the Director, containing such information as the Director may reasonably require.

**2-7.1-9 RESALE NUMBERS**

- A. If a person who originates or receives telecommunications in the City claims to be a reseller of telecommunications, that person shall apply to the department for a resale number. The applicant shall state facts showing why it is not liable for the tax imposed by this Chapter on any purchases of telecommunications and shall furnish such additional information as the Department may reasonably require.
- B. Upon approval of the application, the Department shall assign a resale number to the applicant and shall certify the number to the applicant.
- C. The Department may cancel the resale number of any person if the number (1) was obtained through misrepresentation; (2) is used to originate or receive telecommunications tax-free when such telecommunications are not for resale or; (3) is no longer necessary because the person has discontinued making resales.
- D. The act or privilege of originating or receiving telecommunications in the City shall not be made tax-free on the ground of being a sale for resale unless the person has an active resale number issued by the Department and furnishes that number to the retailer in connection with certifying to the retailer that a sale is nontaxable as a sale for resale.

**2-7.1-10 MAINTAINING BOOKS AND RECORDS**

Every retailer maintaining a place of business in this state, every retailer authorized by the Director to collect the tax imposed by this Chapter and every taxpayer required by Section 8 to pay the tax directly to the Department shall keep accurate books and records of its business or activity, including original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability or exemption. All such books and records shall be kept in

the English language and, at all times during business hours of the day, shall be subject to and available for inspection by the Department.

#### **2-7.1-11        RULES AND REGULATIONS**

The Director is authorized to adopt, promulgate and enforce rules and regulations pertaining to the administration and enforcement of this Chapter.

#### **2-7.1-12        SEVERABILITY**

If any provision of this Chapter, or the application of any provision of this Chapter, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Chapter, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Chapter. In particular, if subsection "A.2" of Section 4 of this Chapter is declared unconstitutional or otherwise invalid, the tax imposed under subsection "A.1" of Section 4 shall remain in full force and effect.

#### **2-7.1-13        STATUS OF ILLINOIS MUNICIPAL CODE §8-11-17**

If Section 8-11-17 of the Illinois Municipal Code (65 ILCS 5/8-11-17) is repealed, or becomes ineffective for any reason, Section 2-7-1(A) of the Municipal Code of the City of Park Ridge, declared ineffective in favor of this Chapter, shall be deemed to be in full force and effect as of the date Section 8-11-17 is repealed or becomes ineffective.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 7.2 ELECTRICITY TAX

##### SECTION

2-7.2-1	Definitions
2-7.2-2	Tax Imposed
2-7.2-3	Collection of Tax
2-7.2-4	Tax Remittance and Return
2-7.2-5	Resales
2-7.2-6	Books and Records
2-7.2-7	Credits and Refunds

#### 2-7.2-1 DEFINITIONS

As used in this Chapter, unless the context otherwise requires:

"City" means City of Park Ridge.

"Director" means the Director of Finance of the City of Park Ridge.

"Person" means any natural, individual, firm, trust, estate, partnership, association, joint stock company adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, conservator or other representative appointed by order of any court;

"Person maintaining a place of business in this State" means any person having or maintaining within this State, directly or by a subsidiary or other affiliate, an office, generation, facility, distribution facility, transmission facility, sales office or other place of business, or any employee, agent, or other representative operating within this State under the authority of the person or its subsidiary or other affiliate, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such person, subsidiary or other affiliate is licensed or qualified to do business in this State.

"Purchase at retail" means any acquisition of electricity by a purchaser for purposes of use or consumption, and not for resale, but shall not include the use of electricity by a public utility, as defined in Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2), directly in the generation, production, transmission, delivery or sale of electricity.

"Purchaser" means any person who uses or consumes, within the corporate limits of the City, electricity acquired in a purchase at retail.

"Tax collector" means the person delivering electricity to the purchaser.

### **2-7.2-1 TAX IMPOSED**

- A. Pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2) and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis for each purchaser:
- (i) For the first 2,000 kilowatt-hours used or consumed in a month; 0.558 cents per kilowatt-hour;
  - (ii) For the next 48,000 kilowatt-hours used or consumed in a month; 0.359 cents per kilowatt-hour;
  - (iii) For the next 50,000 kilowatt-hours used or consumed in a month; 0.354 cents per kilowatt-hour;
  - (iv) For the next 400,000 kilowatt-hours used or consumed in a month; 0.303 cents per kilowatt-hour;
  - (v) For the next 500,000 kilowatt-hours used or consumed in a month; 0.302 cents per kilowatt-hour;
  - (vi) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.301 cents per kilowatt-hour;
  - (vii) For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.281 cents per kilowatt-hour;
  - (viii) For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.200 cents per kilowatt-hour;
  - (ix) For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.130 cents per kilowatt-hour;
  - (x) For the next 20,000,000 kilowatt-hours used or consumed in a month; 0.080 cents per kilowatt-hour;
- B. The tax is in addition to all taxes, fees and other revenue measures imposed by the City, State of Illinois or any other political subdivision of the State.
- C. Notwithstanding any other provision of this Chapter, the tax shall not be imposed if and to the extent that imposition or collection of tax would violate the Constitution or statutes of the United States or the Constitution of the State of Illinois.

### **2-7.2-3 COLLECTION OF TAX**

- A. Subject to the provisions of Section 2-7.2-5 regarding the delivery of electricity to resellers, the tax imposed under this Chapter shall be collected from purchasers by the person maintaining a place of business in this State who delivers electricity to such purchasers. This tax shall constitute a debt of the purchaser to the person who delivers the electricity to the

purchaser and is recoverable at the same time and in the same manner as the original charge for delivering the electricity.

- B. Any tax required to be collected by this chapter, and any tax in fact collected, shall constitute a debt owed to the City by the person delivering the electricity, provided, that the person delivering electricity shall be allowed credit for such tax related to deliveries of electricity the charges for which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax.
- C. Persons delivering electricity shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the electricity. Persons delivering electricity shall also be authorized to add to such gross charge an amount equal to three percent (3%) of the tax they collect to reimburse them for their expenses incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the City upon request. For purposes of this Chapter, any partial payment of a billed amount not specifically identified by the purchaser shall be deemed to be for the delivery of electricity.

#### **2-7.2-4 TAX REMITTANCE AND RETURN**

- A. Every tax collector shall on a monthly basis file a return in a form prescribed by the Director. The return and accompanying remittance shall be due on or before the last day of the month following the month during which the tax is collected or is required to be collected under Section 2-7.2-3.
- B. If the person delivering electricity fails to collect the tax from the purchaser or is excused from collecting the tax under Section 2-7.2-3, then the purchaser shall file a return in a form prescribed by the Director and pay the tax directly to the Director on or before the last day of the month following the month during which the electricity is used or consumed.

#### **2-7.2-5 RESALES**

- A. Electricity that is delivered to a person in this City shall be considered to be for use and consumption by that person unless the person receiving the electricity has an active resale number issued by the Director and furnishes that number to the person who delivers the electricity, and certifies to that person that the sale is either entirely or partially nontaxable as a sale for resale.
- B. If a person who receives electricity in the City claims to be an authorized reseller of electricity, that person shall apply to the Director for a resale number. The applicant shall state facts showing why it is not liable for the tax imposed by this Chapter on any purchases of electricity and shall furnish such additional information as the Director may reasonably require.
- C. Upon approval of the application, the Director shall assign a resale number to the applicant and shall certify the number to the applicant.

- D. The Director may cancel the resale number of any person if the person fails to pay any tax payable under this Chapter for electricity used or consumed by the person, or if the number: (1) was obtained through misrepresentation, or (2) is no longer necessary because the person has discontinued making resales.
- E. (1) If a reseller has acquired electricity partly for use or consumption and partly for resale, the reseller shall pay the tax imposed by this Chapter directly to the Director pursuant to subsection B of Section 2-7.2-4 on the amount of electricity that the reseller uses or consumes, and shall collect the tax pursuant to Section 2-7.2-3 and remit the tax pursuant to subsection A of Section 2-7.2-4 on the amount of electricity delivered by the reseller to a purchaser.
- (2) Any person who delivers electricity to a reseller having an active resale number and complying with all other conditions of this Section shall be excused from collecting and remitting the tax on any portion of the electricity delivered to the reseller, provided that the person reports to the Director the total amount of electricity delivered to the reseller, and such other information that the Director may reasonably require.

#### **2-7.2-6 BOOKS AND RECORDS**

Every tax collector, and every taxpayer required to pay the tax imposed by this Chapter, shall keep accurate books and records of its business or activity, including contemporaneous books and records denoting the transactions that gave rise, or may have given rise, to any tax liability under this Chapter. The books and records shall be subject to and available for inspection at all times during business hours of the day.

#### **2-7.2-7 CREDITS AND REFUNDS**

Notwithstanding any other provision of this Chapter, in order to permit sound fiscal planning and budgeting by the City, no person shall be entitled to a refund of, or credit for, a tax imposed under this Chapter unless the persons files a claim for refund or credit within one year after the date on which the tax was paid or remitted.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 8 POWER TO INCUR INDEBTEDNESS

##### SECTION

2-8-1 Power to Incur Indebtedness

#### **2-8-1 POWER TO INCUR INDEBTEDNESS**

The corporate authorities are hereby authorized to execute contracts for the borrowing of funds from any authorized lending institution in such amounts as the corporate authorities shall deem necessary and for such purposes as are deemed appropriate to the furtherance of the conduct of the government of the City and with repayment schedules convenient to the City with maturity dates not to exceed forty (40) years from the date on which the obligation is incurred in accordance with the terms and provisions of Article 7, Section 6 of the Constitution of the State of Illinois of 1970, effective July 1, 1971. The corporate authorities are also hereby authorized to issue general obligation bonds in accordance with Article 7, Section 6 of the Constitution of the State of Illinois of 1970, effective July 1, 1971.

*(Ord. 2004-12, 2/16/2004, S23)*

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 9 BUDGET POLICY

##### SECTION

2-9-1	Establishment of Budget Policy
2-9-2	Powers and Duties of City Manager in Implementing Budget Policy
2-9-3	Compilation and Contents of Budget
2-9-4	Passage of Annual Budget, Effect
2-9-5	Capital Improvement, Repair or Replacement Fund
2-9-6	Revision of Annual Budget
2-9-7	Funds for Contingency Purposes
2-9-8	Public Inspection, Notice and Hearing on Budget
2-9-9	Purchasing
2-9-10	Payment of Bills

#### **2-9-1 ESTABLISHMENT OF BUDGET POLICY**

There is hereby established in the City a budget policy which shall be implemented by the City Manager in the orderly preparation of an annual budget.

#### **2-9-2 POWERS AND DUTIES OF CITY MANAGER IN IMPLEMENTING BUDGET POLICY**

The City Manager shall have the following powers and duties:

- A. Permit, encourage, and establish the use of efficient planning, budgeting, auditing, reporting, accounting and other fiscal management procedures in all Municipal departments, commissions and boards.
- B. Compile an annual budget.
- C. Examine all books and records of all Municipal departments, commissions and boards, which relate to monies received by the City, City departments, and commissions and boards, and paid out by the City, City departments, commissions and boards, debts and accounts receivable, amounts owed by or to the City, City departments, commissions and boards.

- D. Obtain such additional information from the City, City departments, commissions and boards as may be useful for purposes of compiling a City budget, such information to be furnished by the City, City departments, commissions and boards in the form required by the City Manager. Any department, commission or board which refuses to make such information as is requested of it available to the City Manager shall not be permitted to make expenditures under any subsequent budget for the City until such City department, commission or board shall comply in full with the request of the City Manager.
- E. Establish and maintain such procedures as shall insure that no expenditures are made by the City, City departments, commissions or boards except as authorized by the budget.

### **2-9-3 COMPILATION AND CONTENTS OF BUDGET**

The budget shall contain estimates of revenues available to the City for the fiscal year for which the budget is drafted, together with recommended expenditures for the City and all of the City's departments, commissions and boards. Revenue estimates and expenditure recommendations shall be presented in a manner which is in conformity with good fiscal management practices. The budget shall contain actual or estimated revenues and expenditures for the two (2) years immediately preceding the fiscal year for which the budget is prepared. Each budget shall show the specific fund from which each anticipated expenditure shall be made.

### **2-9-4 PASSAGE OF ANNUAL BUDGET, EFFECT**

Passage of the annual budget by the corporate authorities shall be in lieu of passage of an appropriation ordinance. The annual budget need not be published except in a manner provided in Section 2-8-8 herein. The annual budget shall be adopted by the corporate authorities before the beginning of the fiscal year to which it applies. Subsequent to the passage of the budget, an ordinance shall establish the property tax assessment provided for in the approved budget.

### **2-9-5 CAPITAL IMPROVEMENT, REPAIR OR REPLACEMENT FUND**

Monies may be accumulated in a separate fund for the purpose or purposes of specific capital improvements, repair and/or replacements of specific types of municipal equipment or other tangible property both real and personal, to be designated as the "Capitol Improvement, Repair or Replacement Fund". Expenditures from the Capital Improvement, Repair or Replacement Fund shall be budgeted in the fiscal year in which the capital improvement, repair or replacement will occur. Upon the completion or abandonment of any project for which the Capital Improvement, Repair or Replacement Fund, or should any surplus monies remain after the completion or abandonment of any project for which the Capital Improvement, Repair or Replacement Fund was inaugurated, then such funds no longer necessary for capital improvement, repair or replacement shall be transferred into the general operating fund of the City during the first quarter of the fiscal year following such abandonment, completion or discovery of surplus funds.

**2-9-6 REVISION OF ANNUAL BUDGET**

Within the first thirty (30) days of a fiscal year when newly elected officials are installed during that thirty (30) day period, by a majority vote of the members of the corporate authorities then holding office, the annual budget for the City may be revised by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves.

During the fiscal year, the City Manager shall revise the budget for the City by deleting, adding to, changing or creating sub-classes within object classes and object classes themselves. Revisions requested by department heads, boards or commissions shall be submitted in writing to the City Manager. The line item amount to be changed in the budget and the reason there for shall be clearly stated. Then the City Manager shall make any desirable changes and shall approve the budget revisions. No revision of the budget shall be made increasing the budget in the event funds are not available to effectuate the purpose of the revisions.

**2-9-7 FUNDS FOR CONTINGENCY PURPOSES**

The annual budget may contain money set aside for contingency purposes not to exceed one percent (1%) of the total budget, less the amount set aside for contingency purposes, which monies may be expended for contingencies upon a majority vote of the corporate authorities then holding office.

**2-9-8 PUBLIC INSPECTION, NOTICE AND HEARING ON BUDGET**

The corporate authorities shall make the tentative annual budget conveniently available to public inspection for at least ten (10) days prior to passage of the annual budget, by publication in such form as the corporate authorities may prescribe. Not less than one week after the publication of the tentative annual budget, and prior to final action on the budget the corporate authorities shall hold at least one public hearing on the tentative annual budget after which hearing or hearings the tentative budget may be further revised and passed without further inspection, notice or hearing. Notice of this hearing shall be given at least one week prior to the time of the hearing by publication in a newspaper having a general circulation in the Municipality.

**2-9-9 PURCHASING**

- A. Purpose. The purpose of this Section is to establish policies for the procurement of goods and services by the City.
- B. Contracts over \$20,000. All purchases of goods and services made by the City in excess of \$20,000 shall be with the approval of the City Council. Except as otherwise provided in this Section, all contracts for goods or services in excess of \$20,000 shall be awarded by competitive sealed bidding after advertising for bids. However, the City Council shall have the right in each instance to reject any and all bids.
- C. Competitive Sealed Bidding. The competitive sealed bidding process shall follow such procedures as are approved by the City Manager, and shall include the following:

1. Invitation for Bids - An invitation for bids shall be prepared and issued which shall include a detailed description of specifications for the goods or services to be purchased and all contractual terms and conditions applicable to the procurement.
  2. Advertisement for Bids - Adequate public notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids. Such public notice shall include publication in a newspaper of general circulation within the City of Park Ridge, unless the City Manager determines such publication to be unnecessary.
  3. Opening of Bids - Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the advertisement for bids. The name of each bidder, the amount of the bid, and such other relevant information as may be specified in the invitation for bids shall be recorded. The record and each bid shall be open to public inspection.
  4. Bid Acceptance and Evaluation - Bids shall be unconditionally accepted without alteration and correction, and shall be evaluated by the City Manager or his designee(s) in accordance with the requirements and criteria set forth in the invitation for bids. In the event that all responsive and responsible bids for the procurement exceed available funds as certified by the appropriate fiscal officer, the City Manager or his designee is authorized to negotiate an adjustment of the bid requirement and the bid price with the lowest responsive and responsible bidder in order to bring the bid within the amount of available funds.
  5. Contract Award - The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids.
- D. Competitive Sealed Proposals. When the City Manager determines that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into through receipt of competitive sealed proposals. Competitive sealed proposals may also be used for the procurement of professional services whether or not such determination has been made. The competitive sealed proposals process shall follow such procedures as are approved by the City Manager, and shall include the following:
1. Request for Proposals - A request for proposals shall be prepared and issued which shall include a description of the goods or services to be purchased and all contractual terms and conditions applicable to the procurement.
  2. Advertisement for Proposals - Adequate public notice of the request for proposals shall be given in the same manner as provided for competitive sealed bidding in Section C (2).
  3. Receipt of Proposals - Proposals shall be opened publicly in the presence of one or more witnesses at the time and place designated in the advertisement for proposals, and in such manner so as to avoid disclosure of the contents to competing offers. A register of proposals, containing only the names of the offerors, shall be prepared and open to public inspection. The proposals shall not be open to public inspection until after such time as the contract has been awarded.
  4. Evaluation of Proposals, Discussions with Responsible Offerors, and Revisions of Proposals - Proposals shall be evaluated by the City Manager or his designee(s) in accordance with the requirements and criteria set forth in the request for proposals. Discussions may be conducted with responsible offerors for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submission and prior to award for the purpose of obtaining best and final offers.

5. Contract Award - The contract shall be awarded to the offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration the evaluation criteria set forth in the request for proposals, and price. Notice of the contract award shall be in writing.
- E. Contracts Over \$20,000 Not Required to be Awarded by the Competitive Bidding or Proposal Process: With the approval of 2/3 of the City Council, contracts which by their nature are not adapted to award by competitive selection process, including but not limited to the following, may be entered into without competitive bids or proposals:
1. Goods and services which are economically procurable from only one source.
  2. Services requiring a high degree of professional, technical or artistic skills, including but not limited to, appraisal, architectural, auditing, engineering, financial, insurance, surveying or legal services, or where a satisfactory relationship between the City and one or more firms or individuals currently exists.
  3. Data processing and telecommunication equipment and software or services relating thereto.
  4. Maintenance and servicing or repair of goods from the manufacturer of goods or an authorized agent.
  5. Utility services, including electric, gas, water or telecommunication services.
  6. A purchase of goods or services from another governmental entity.
  7. A purchase of goods or services through a recognized governmental cooperative joint purchasing program (i.e. State of Illinois, Northwest Municipal Conference, M.A.B.A.S., etc.).
- F. Emergency Procurements. The City Manager or his designee shall be empowered to determine and declare the existence of an emergency resulting from damage or threatened damage to public facilities or endangering the public health, safety and welfare requiring an immediate expenditure of funds by the City. The City Manager or his designee may make emergency procurements with respect to the emergency, provided that such emergency procurements shall be made with such competition as is practicable under the circumstance. Such procurements shall be reported to the City Council at its next meeting.
- G. Procurements of \$20,000 or less. The City Manager is authorized to approve expenditures of \$20,000 or less for the procurement of goods and services for all departments of the City, provided that such expenditures are made within budget limitations and provided, further, that procurement requirements have not been artificially divided so as to avoid the requirements of paragraph B hereof.
- H. Form of Contracts. Contracts for the purchase of goods and services shall be in such form, and shall be subject to such general and special conditions as may be required by law or deemed appropriate by the City Manager, including, but not limited to, civil rights standards, labor standards, and bond and insurance requirements. The issuance of a properly authorized purchase order shall constitute a contract.
- I. Creation of Procurement Policy. Except as otherwise provided herein, the City Manager shall have the authority and responsibility to promulgate and approve procurement policies of the City for the purchase of all goods and services used by all departments of the City.
- J. Conflicts of Interest. Each elected official and director and officer of the City shall comply with the provisions of 50 ILCS 105/3, 65 ILCS 5/3.1-55-10, and Article 2, Chapter 5 of the Park Ridge Municipal Code, which prohibit financial interests in contracts upon which the person may be called to vote.

**2-9-10 PAYMENT OF BILLS**

All bills for goods or services rendered to the City shall be paid within ninety (90) days of receipt unless within that time period the vendor is notified that a dispute exists as to the quality or quantity of goods or services furnished or the amount due therefor, or unless the contract for furnishing such goods or services otherwise provides. Whenever reasonably possible, such bills shall be timely paid so as to take advantage of any price reduction for prompt payment. No interest or other late payment penalty shall be added to such bills.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 10    DISPOSITION OF PERSONAL PROPERTY

##### SECTION

- 2-10-1            Disposition of Personal Property  
 2-10-2            Disposition of Property Possessed by Police Department

#### **2-10-1            DISPOSITION OF PERSONAL PROPERTY**

All items of personal property no longer necessary for use in the conduct of the business of government of the City shall be disposed of by one of the following methods:

- A. Traded in as part of the purchase price for a new item of similar goods or equipment.
- B. Sold at public sale, either by open public auction, Internet auction, or competitive sealed bid, and the Finance Director, or his/her designee, is authorized to arrange for the public sale. Notice of the public sale shall be given by publication in a newspaper of general circulation in the City of Park Ridge or metropolitan Chicago, by use of the Internet, by mailing to individuals or firms who have requested notice, or by any other means judged by the Finance Director or his/her designee to be in the best interests of the City.  
*(Ord 2004-137, 12/20/2004, S24)*
- C. Scrapped when investigation as to the probable worth of an item shows that the item has either no current value or the probable current value is exceeded by the costs to be incurred in the public sale of the item. An item of personal property may also be scrapped if it has been unsuccessfully offered for public sale.
- D. Transferred to another public or governmental agency, after determination that the item has no probable current worth in accordance with Section 2-10-2C.

#### **2-10-2            DISPOSITION OF PROPERTY POSSESSED BY POLICE DEPARTMENT**

- A. This Section is applicable to all personal property of which possession is transferred to the Police Department of the City under circumstances supporting a reasonable belief that such property was abandoned, lost or stolen or otherwise illegally possessed except property seized during a search and retained and ultimately returned, destroyed or otherwise disposed of pursuant to order of a court of competent jurisdiction.

- B. Property believed to be abandoned, lost or stolen or otherwise illegally possessed shall be retained in the custody of the Police Chief of the City who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession thereof and shall return the property after such person provides reasonable and satisfactory proof of his ownership or right to possession and reimburses the City for all reasonable expenses of such custody.
- C. If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within six (6) months after the Police Department obtained such possession, the Police Chief shall effectuate the sale of the property for cash at public sale. Property offered but not sold at such public sale may be offered and sold at a subsequent public sale.
- D. Proceeds of the sale of property at public sale, less reimbursement to the City of reasonable expenses of custody thereof, shall be deposited in the Treasury of the City.
- E. The owner or other person entitled to possession of such property may claim and recover possession of the property any time before its sale at public sale upon providing reasonable and satisfactory proof of ownership or right to possession and reimbursing the City for all reasonable expenses of custody thereof.
- F. No person shall be responsible for consequent damages to another occasioned by an act or omission in compliance with this Chapter.

*Supp. 18 (January, 1999)*

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 11 INDEMNIFICATION OF OFFICIALS, OFFICERS AND EMPLOYEES

##### SECTION

2-11-1	Definitions
2-11-2	Civil Actions, Indemnity
2-11-3	Construction, Not a Waiver of Immunity
2-11-4	Waiver of Action Against Employees and Officials
2-11-5	Criminal Actions Indemnity
2-11-6	Advance for Costs of Defense
2-11-7	Contractual Nature
2-11-8	Indemnity Not Construed as Condonation or Waiver

##### **2-11-1 DEFINITIONS**

As used in this Chapter, the following words shall have the meanings herein ascribed to them:

**OFFICIAL**: Any person elected or appointed to any office, board or commission of the City.

**EMPLOYEE**: Any person formerly or presently employed by the City.

**CIVIL ACTION**: Any claim, demand or cause of action seeking damages, either compensatory or punitive whether or not a suit is filed in a court of law or before an administrative agency.

**CRIMINAL ACTION**: Any action commenced by notice to appear, complaint, information or indictment charging a violation of a penal ordinance, Statute of the State of Illinois or Act of Congress.

**COSTS OF DEFENSE**: All costs involved in preparation for and trial of any civil or criminal action, including but not limited to reasonable attorneys' fees. Reasonable attorneys' fees shall not include any charges made by an attorney defending a civil action unless the City Council have given prior approval to the selection of the attorney and the rate to be charged and the attorney has submitted an itemized statement of services rendered. Provided, however, that approval of the attorney representing the official or employee shall not be necessary where the City as a corporation is also a party and conflict of interest could be involved. Reasonable attorneys' fees shall not include any charge made by an attorney defending a criminal action unless the City Council has given prior

approval to the rate to be charged and the attorney has submitted an itemized statement of services rendered.

GOOD FAITH: A reasonable belief that the action complained of was proper and within the scope of the officer or employee's duties to the City. The existence of a reasonable belief shall be based upon an evaluation of the facts and circumstances known to the officer or employee at the time of the action complained of. The term "action" shall include any affirmative act or any failure to act.

## **2-11-2 CIVIL ACTIONS, INDEMNITY**

Any officer or employee against whom any civil action is brought or threatened by reason of any action taken in good faith in the course of his or her duties shall be indemnified by the City for:

- A. costs of defense actually paid or incurred by such officer or employee in connection with proceedings related to the defense or settlement of such action;
- B. any amount for which such officer or employee becomes liable by any reason of judgment in such action;
- C. any amount for which such officer or employee becomes liable by reason of a settlement agreement in such action if the City Council gave prior approval to the settlement terms; and
- D. reasonable cost and expenses, including attorneys' fees actually paid or incurred by the officer or employee in any action to enforce any right under this Section if the action results in a final judgment in favor of the officer or employee.

Provided, however, that the provisions of this Section shall not apply unless the officer or employee gives written notice of the claim, demand or cause of action to the City within ten (10) days of the date upon which such officer or employee receives notice or service of process, delivers a copy of such notice or process to the City Attorney and thereafter cooperates fully with his attorney and any attorney representing the City in preparation and presentation of any defense.

## **2-11-3 CONSTRUCTION, NOT A WAIVER OF IMMUNITY**

The indemnification herein provided for shall not be construed as a waiver of any grant of immunity to the City or its officers or employees under any Statute or rule of common law.

## **2-11-4 WAIVER OF ACTION AGAINST EMPLOYEES AND OFFICIALS**

Where an action of an official or an employee is done in good faith as hereinbefore defined, the City as a corporate entity shall not prosecute any claim, demand or cause of action arising out of such action against the official or employee.

**2-11-5 CRIMINAL ACTIONS INDEMNITY**

Any officer or employee against whom any criminal action is threatened or brought by reason of any action taken in good faith shall be indemnified by the City for:

- A. Costs of defense actually paid or incurred by such officer or employee in connection with proceeding related to the defense of such action; and
- B. Reasonable costs and expenses including attorneys' fees actually paid or incurred by the officer or employee in any action to enforce any rights under this Section if the action results in final judgment in favor of the officer or employee.

Provided, however, that such criminal proceedings result in:

- A. A finding by the trier of fact and judgment or mandate that the officer or employee was not guilty of the offense charged; or
- B. Dismissal of the charge on motion of the officer or employee and after the time provided by law for refiling or reinstatement of the charge has lapsed; or
- C. Dismissal of the charge on motion of the prosecuting authority and after the time for refiling or reinstatement of the charge has lapsed.

**2-11-6 ADVANCE FOR COST OF DEFENSE**

Whenever it reasonably appears that the officer or employee is entitled to indemnity under the provisions of this Section, but before final judgment, the City shall pay a reasonable retainer to the attorney representing the officer or employee if the officer or employee so requests and provide the City with sufficient security to guarantee repayment to the City in the event that the result of the action is such that the officer or employee is not entitled to indemnity under the terms and provisions hereof.

**2-11-7 CONTRACTUAL NATURE**

The terms and provisions of this Chapter shall constitute a binding contract between the City and its present and future officers and employees given in consideration for their services rendered to the City. The contract shall continue and be in full force and effect covering all good faith actions of officers and employees occurring prior to the repeal of this Chapter by the City Council and any action as aforesaid shall be covered by the terms hereof until terminated even through termination occurs after the repeal hereof.

**2-11-8 INDEMNITY NOT CONSTRUED AS CONDONATION OR WAIVER**

Indemnification of an employee under the terms hereof shall not be construed as a condonation of the action nor a waiver of any right to removal of the officers or employee from office, civil service,

or Fire or Police Departments. Nor shall this Chapter be construed to provide of indemnification for costs of defense against an action brought for removal from office or proceeding against employee before the Civil Service Commission or Board of Fire and Police Commissioners.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS, AND POLICIES

#### CHAPTER 12 AUTOMOBILE RENTING OCCUPATION TAX

##### SECTION

2-12-1	Tax Imposed
2-12-2	Report Filed
2-12-3	Payment Required
2-12-4	Copy of Ordinance Required

##### **2-12-1 TAX IMPOSED**

A tax is hereby imposed upon all persons engaged in the business of renting automobiles in this City at the rate of one percent (1%) of the gross receipts from such rentals made in the course of such business while this Ordinance is in effect, in accordance with the provisions of Section 8-11-7 of the Illinois Municipal Code.

##### **2-12-2 REPORT FILED**

Every such person engaged in such business in the City shall file on or before the last day of each calendar month, the report to the State Department of Revenue required by Sections Two and Three of "An Act in Relation to a Tax Upon Persons Engaged in the Business of Selling Tangible Personal Property to Purchasers for Use or Consumption" approved June 29, 1933, as amended.

##### **2-12-3 PAYMENT REQUIRED**

At the time such report is filed, there shall be paid to the State Department of Revenue the amount of tax hereby imposed on account of the renting of automobiles during the preceding months.

##### **2-12-4 COPY OF ORDINANCE REQUIRED**

The City Clerk is hereby directed to transmit to the State Department of Revenue a certified copy of this Ordinance not later than five (5) days after the effective date of this Ordinance.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 13 AUTOMOBILE RENTING USE TAX

##### SECTION

2-13-1	Tax Imposed
2-13-2	Collection of Tax
2-13-3	Payment Required
2-13-4	Copy of Ordinance Required

##### **2-13-1 TAX IMPOSED**

A tax is hereby imposed upon the privilege of using in this City an automobile which is rented from a renter outside Illinois and which is titled or registered with an agency of this State's government in this City at the rate of one percent (1%) of the rental price of such automobile while this Ordinance is in effect, in accordance with the provisions of Section 8-11-8 of the Illinois Municipal Code.

##### **2-13-2 COLLECTION OF TAX**

The tax provided for in this Ordinance shall be collected from the persons whose Illinois Address for titling or registration purposes is given as being in this City.

##### **2-13-3 PAYMENT REQUIRED**

The tax imposed by this Ordinance shall be paid to the Illinois Department of Revenue.

##### **2-13-4 COPY OF ORDINANCE REQUIRED**

The City Clerk is hereby directed to transmit to the State Department of Revenue a certified copy of this Ordinance not later than five (5) days after the effective date of this Ordinance.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 14 SPECIAL ASSESSMENT AND REBATE

##### SECTION

2-14-1 Special Assessment Rebate Procedure

#### **2-14-1 SPECIAL ASSESSMENT REBATE PROCEDURE**

Whenever the City Council of the City has by ordinance declared a surplus in any special assessment fund and has authorized and directed a rebate of such surplus and proper notice has been made to eligible recipients of such rebate, and thereafter any surplus funds remain unclaimed for a period of one year or more, all right, title and interest in such rebate shall be extinguished, forfeited and forever barred. The City Treasurer shall publish notice of such forfeiture in a newspaper of general circulation in the City and not less than thirty (30) days following such notice, the City Treasurer shall transfer such unclaimed surplus plus accrued interest from the special assessment fund to the general fund of the City.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 15 PARKING LOT AND GARAGE OPERATION TAX

##### SECTION

2-15-1	Definitions
2-15-2	Tax Imposed
2-15-3	Rules and Regulations to be Published
2-15-4	Inspection
2-15-5	Records to be Kept
2-15-6	Claim Checks to be Issued
2-15-7	Tax Returns to be Filed
2-15-8	Action by City Attorney; Suspension of License
2-15-9	Tax to be Paid into City Treasury
2-15-10	Penalty for Violation
2-15-11	Saving Clause

#### 2-15-1 DEFINITIONS

For the purpose of this Chapter, whenever any of the following words, terms or definitions is used herein, they shall have the meaning ascribed to them in this Section:

MOTOR VEHICLE: Any vehicle which is self-propelled.

NORMAL BUSINESS HOURS: Eight thirty o'clock (8:30) a.m. to five o'clock (5:00) p.m. Monday through Friday, excluding holidays.

OPERATOR: Any person conducting the operation of a parking lot or garage, as defined in this Chapter, or receiving the consideration for parking or storage of motor vehicles at such parking place.

PARKING LOT OR GARAGE: Any building, structure, premises, enclosure or other place, whether enclosed or not, except a public way, within the City of Park Ridge, where two (2) or more motor vehicles are stored, housed, or parked for hire, charge, fee or other valuable consideration in a condition ready for use, including valet parking, or where rent or compensation is paid to the owner, manager, or lessee keeping or maintaining of such motor vehicles; provided, however, that said terms shall not include residential parking provided for single family homes or multiple family dwelling units wherein an arrangement for such parking is provided on a rental basis to meet the

terms of the Park Ridge Zoning Ordinance for off-street parking, the consideration therefore being set forth in the house or apartment lease or in a separate writing between the landlord the tenant, whether the parking charge is payable to the landlord or to the operator of the parking lot or garage, nor shall said terms include any parking lot or garage owned or operated by the City of Park Ridge.

**PARKING SPACE:** Any parking stall or space, clearly identified, marked with customary striping lines designating an area set aside for the parking of a single motor vehicle.

**PERSON:** Any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees or other representative acting either for himself 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.

## **2-15-2 TAX IMPOSED**

A. There is hereby levied and imposed upon the use and privilege of parking a motor vehicle in or upon any parking space in a parking lot or garage for which space the vehicle owner or driver is charged a parking fee, as defined in this Chapter, a tax of seventy cents (\$.70) for each such motor vehicle parked for every twenty-four (24) hour period or fraction thereof. If a motor vehicle is parked in or upon a parking lot or garage space for which a charge is made on a weekly or monthly basis, the amount of tax shall be two dollars (\$2) per week or eight dollars (\$8) per month. The parking tax applicable to a period other than daily, weekly or monthly shall be computed by multiplying the base sum applicable by the total number of days, weeks or months in a particular period of time involved. The weekly tax and the monthly tax shall not be increased or decreased on account of Saturdays, Sundays or legal holidays falling within such weekly or monthly period of time, whether or not the motor vehicle is actually parked in or on said parking lot or garage space on such days.

*(Ord. 2003-23, 4/21/2003, Supp 22)*

B. The ultimate incidence of and liability for payment of said tax is to be borne by the person who seeks the privilege of occupying space within said parking lot or garage; said person hereinafter referred to as "recipient".

C. The tax imposed by this Chapter shall not apply to residential off-street parking of house or apartment tenants required by the Park Ridge Zoning Ordinance, wherein an arrangement for such tenant parking is provided in the house or apartment lease or in a separate writing between the landlord and tenant, whether the parking charge is payable to the landlord or to the operator of the parking lot or garage.

D. The tax herein levied shall be paid in addition to any and all other taxes. It shall be the duty of the operator of every parking lot or garage to secure said tax from the recipient of the parking privilege and to pay over to the Director of Finance said tax under procedures prescribed by the Director of Finance and as otherwise provided in this Chapter.

**2-15-3 RULES AND REGULATIONS TO BE PUBLISHED**

The Director of Finance may make rules and regulations appropriate to and in furtherance of the purpose of this Chapter.

**2-15-4 INSPECTION**

The Director of Finance, or any person certified by the Director or the Deputy Director or representative, may enter the premises of any parking lot or garage during normal business hours for inspection and examination of books and records for the proper administration of this Chapter and enforcement of the collection of the tax imposed. It is unlawful for any person to prevent, hinder, or interfere with the Director of Finance or the duly authorized deputy or representative in the discharge of duties in the enforcement of this Chapter.

**2-15-5 RECORDS TO BE KEPT**

It shall be the duty of every person operating a parking lot or garage in the City to keep accurate and complete books and records to which the Director of Finance, or the Deputy Director or representative authorized by the Director of Finance, shall have full access, during normal business hours, which records shall include a daily sheet showing (a) the number of vehicles parked in or on each parking lot or garage space, segregated on a daily, weekly, monthly or other basis for which a parking fee has been collected; and (b) the actual parking lot or garage tax receipts collected from all parking transactions. For purposes of complying with the provisions of this paragraph, cash register, coin counter, and computer printout data providing the required information shall be construed as an acceptable accounting method.

**2-15-6 CLAIM CHECKS TO BE ISSUED**

- A. It shall be the duty of every person operating a parking lot or garage in the City to issue to the owner or driver parking any motor vehicle in a parking space, a distinctive ticket claim check or sticker ("ticket").
- B. The ticket shall bear the date and time of issuance and shall be accounted for in numerical sequence. Each ticket shall contain the name and address of the operator of the parking lot or garage upon which parking space the motor vehicles are parked.
- C. No person shall operate a parking lot or garage as defined in this Chapter without first submitting to the Director of Finance samples of the tickets showing the starting and ending numbers, the parking lot or garage location, and the color and sizes of the tickets; or in the alternative, an operator may install an automatic entry gate system utilizing sequentially numbered ticket dispensing device, which system shall provide the Director of Finance with printout register and/or statistical information sufficient to determine parking space usage, which system may be substituted for preprinted tickets.

- D. No person shall operate a parking lot or garage in the City in which parking is permitted on a weekly, monthly or other basis, without requiring the placement of a sticker upon said motor vehicle, which sticker shall show the name of the operator and address of the parking lot or garage upon which the motor vehicle is parked, an identification number in sequence to be placed on motor vehicle so to be parked; the number of the license plate of the motor vehicle so to be parked; the number of the license plate of the motor vehicle and the issuing state; and an indication as to whether parking is on a weekly or monthly, or other basis, indicating starting and ending dates of the week, month or other period.
- E. A sample of the weekly, monthly or other period stickers printed for the operator shall be submitted to the Director of Finance for recording and said operator shall keep a book record of all such stickers issued, showing the serial number, date license number of the motor vehicle and the parking charge imposed. The operator shall remove or cause to be removed and voided said sticker at the end of the week, month, or other period, and shall cause the placement of a new sticker upon the motor vehicle at the beginning of each new period with recordation thereof also placed in the operator's book.
- F. Or, in the alternative to subsections D and E, the operator may install a key card system utilizing automatic gates for exiting purposes, in which event the operator shall provide the Director of Finance on or before the 30th day of each month during the operation of the parking lot or garage, a current list of the key cards purchased the previous month, which card shall contain an identification number, and the amount of tax assessed as provided in this Chapter. Computer printout data or register tape (as the case may be) shall constitute sufficient evidence of key card purchases and the appropriate amount of tax assessed.

#### **2-15-7 TAX RETURNS TO BE FILED**

- A. Every person operating a parking lot or garage shall file appropriate tax returns showing the total tax receipts received with respect to each parking space for which a parking fee was charged, on or before the 30th day of the month following each preceding monthly period for which parking charges were imposed during each calendar year upon forms prescribed by rules and regulations of the Director of Finance. At the time of filing said tax returns, the operator shall pay to the Director of Finance all taxes due for the period for which the return applies.
- B. If for any reason any tax is not paid when due, a penalty at the rate of ten percent (10%) per year on the amount of unpaid tax, which remains unpaid shall be added and collected.

#### **2-15-8 ACTION BY CITY ATTORNEY; SUSPENSION OF LICENSE**

- A. Whenever any person shall fail to pay any tax as herein provided, the City Attorney shall, upon the request of the Director of Finance, bring or cause to be brought an action to enforce the payment of said tax in behalf of the City in any court of competent jurisdiction.
- B. If the Mayor, after hearing held by or for the Mayor, shall find that any person has willfully avoided payment of the tax imposed by this Chapter, the Mayor may suspend or revoke all

City licenses held by each tax evader. The operator shall have an opportunity to be heard at such hearing to be held not less than five (5) days after written notice of the time and place of the hearing to be held, addressed to him at his last known place of business. Pending notice, hearing and finding, any City license of which he may be possessed shall be temporarily suspended. Any suspension or revocation of any license shall not release or discharge the operator of a parking lot or garage from his civil liability for the payment of the tax nor from prosecution for such offense.

#### **2-15-9 TAX TO BE PAID INTO CITY TREASURY**

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

#### **2-15-10 PENALTY FOR VIOLATION**

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 Chapter, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300) for the first offense and not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for the second and each subsequent offense.

#### **2-15-11 SAVING CLAUSE**

If any provision of this Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of such provisions to other persons or circumstances shall not be affected thereby.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 16 FOREIGN FIRE INSURANCE TAX BOARD

*(Ordinance 2003-15&16, 03/17/2003, Supp 22)*

#### SECTION

2-16-1	Creation of Foreign Fire Insurance Tax Board
2-16-2	Election of Officers
2-16-3	Selection of President, Secretary and Treasurer of Board
2-16-4	Powers, Duties and Procedures
2-16-5	Meetings of Board
2-16-6	Tax Imposed
2-16-7	Account
2-16-8	Failure to Account or Pay Tax
2-16-9	Marine Insurance

#### 2-16-1 CREATION OF FOREIGN FIRE INSURANCE TAX BOARD

There is hereby created the Foreign Fire Insurance Tax Board, which shall exercise the duties set forth herein consistent with the provisions of 65 ILCS 5/11-10-2.

#### 2-16-2 ELECTION OF OFFICERS

- A. The Foreign Fire Insurance Tax Board shall consist of five officers who shall be elected from the non-probationary, non-civilian members of the Park Ridge Fire Department.
- B. Within 10 days of the effective date of this ordinance an election shall be held to elect the five officers of the Board. Three of the officers to be elected shall serve four-year terms of office. Two of the officers to be elected shall serve two-year terms of office. Thereafter elections for officers to the Board shall be conducted in March of each odd numbered year and each officer of the Board elected shall serve a four-year term of office. Officers shall take office immediately after their election.
- C. Each Board officer shall hold office during his term unless the officer resigns from the Board or the Fire Department, retires from the Fire Department or is discharged, in which

case the officer shall be immediately removed from the Board and the position deemed vacant.

- D. Vacancies on the Board during an unexpired term shall be filled by election and such election shall be for the unexpired term.

### **2-16-3 SELECTION OF PRESIDENT, SECRETARY AND TREASURER OF BOARD**

- A. At the first meeting of the Board and every two years thereafter, the officers shall select a President, Secretary and Treasurer of the Board. Each officer may serve in such capacity so long as such officer remains on the Board.
- B. The Treasurer of the Board shall give a sufficient bond to the City. This bond shall be conditioned upon the faithful performance by the Treasurer of his duties under the statutes of the State of Illinois, this ordinance and the rules and regulations of the Board.

### **2-16-4 POWERS, DUTIES AND PROCEDURES**

- A. The Board may establish rules and regulations consistent with the provisions of 65 ILCS 11-10-2 and this ordinance.
- B. The expenditure of funds received by the Board shall be made solely for maintenance, use and benefit of the Fire Department.
- C. The Board shall develop and maintain a list of those items the Board determines are appropriate expenditures for the maintenance, use and benefit of the Fire Department. The Board shall update the listing from time to time but in no event less than every two years. No expenditures shall be made for items not set forth on the list of appropriate expenditures.
- D. Prior to any expenditure by the Board, the Board shall submit a written statement of the proposed expenditure to the Fire Chief stating the description of the expenditure, the justification for the expenditure and the proposed location of the item to be acquired. The Fire Chief shall have the right to refuse to accept any item or its proposed location. The Fire Chief shall provide the Board with the basis of any denial, in writing.
- E. Title to any items purchased by the Board shall be in the City.

### **2-16-5 MEETINGS OF BOARD**

- A. All meetings of the Board shall be conducted in compliance with the provisions of the Illinois Open Meetings Act, 5 ILCS 120 et al.

- B. The President shall preside at all Board meetings. If the President is unable to attend any meeting, the Treasurer shall preside at the meeting. The Secretary shall keep record of the proceedings of any meeting and the actions of the Board.
- C. Three officers of the Board shall constitute a quorum for the purpose of conducting a meeting.
- D. The President or any three officers of the Board may call a special meeting at any time. Notice of a special meeting shall be in writing signed by the President or the three officers of the Board. Such notice shall set forth the nature or the object of the special meeting.
- E. Any person shall be entitled to appear and be heard on any matter before the Board.
- F. Minutes of all Board meetings shall be filed with the City Clerk.

#### **2-16-6 TAX IMPOSED**

Every corporation, company, and association which is not incorporated under the laws of this state and which is engaged in effecting fire insurance in the City of Park Ridge, shall pay to the Director of Finance for the maintenance, use, and benefit of the fire department thereof, a tax in the amount of two percent (2%) of the gross receipts received from fire insurance upon property situated within the City. All payments under the provisions of this chapter shall be made on or before the fifteenth day of July following the termination of the year for which such payments are due.

#### **2-16-7 ACCOUNT**

Every person acting as representative for or on behalf of any such company or association shall, on or before the fifteenth day of July of each year, render to the Director of Finance a full, true and just account, verified by his oath of all premiums which have been received by him on behalf of the company during the year ending the preceding July first on such fire insurance policies on property located within the City. Such agent shall at the time of rendering such report, pay to the Director of Finance the sum of money for which the company, corporation, or association represented by him is chargeable, by virtue of the provisions of this Ordinance.

#### **2-16-8 FAILURE TO ACCOUNT OR PAY TAX**

If the account is not rendered on or before the fifteenth day of July of each year, or if the sum due remains unpaid after that day, it shall be unlawful for any corporation, company, or association, so in default, to transact any business in the municipality or fire protection district until the sum due has been fully paid. This provision shall not relieve any corporation, company, or association from the payment of any loss upon any risk that may be taken in violation of this requirement.

**2-16-9            MARINE INSURANCE**

The provisions of this ordinance shall not be applicable to receipts from contracts of marine insurance, even though they include insurance against fire, where the premium for the fire insurance is not separately specified.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 17 HOTEL TAX

##### SECTION

2-17-1	Definitions
2-17-2	Register
2-17-3	Tax
2-17-4	Payment and Collection of Tax
2-17-5	Penalty

#### 2-17-1 DEFINITIONS

As used herein, the term "hotel" shall include the term "motel" and shall mean every building or other structure kept, used, maintained, advertised and held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers and guests whether transient, permanent or residential to which fifty (50) or more rooms are used for the sleeping accommodations, but shall not include rooming houses as defined in this Code. The term "permanent resident" shall mean any individual or family occupying one or more hotel rooms for thirty (30) or more consecutive days.

#### 2-17-2 REGISTER

The landlord, proprietor, manager, keeper or clerk of every hotel shall keep a register in which shall be entered the name, and if a transient, the permanent address of every person who becomes a roomer, boarder, lodger or paying guest therein. Such register shall show the number of the room occupied by such person and the date or dates on or during which such person occupied said room. The register shall be accessible without charge to the Police Chief or Director of Finance of the City or to any of their duly authorized representatives.

#### 2-17-3 TAX

A tax is hereby levied and imposed upon the use and privilege of renting, leasing or letting of rooms in a hotel in the City, except rooms rented, leased or let to permanent residents, at a rate of four percent (4%) of the gross rental receipts from such rental, leasing or letting. The ultimate

incident of and liability for payment of said tax shall be borne by the user, lessee or tenant of said rooms. The tax herein levied shall be in addition to any and all other taxes.

#### **2-17-4            PAYMENT AND COLLECTION**

The owner or operator of each hotel or the person to whom a certificate of registration to operate said hotel shall have been issued by the City, pursuant to this Code, shall bear jointly and severally the duty to collect the tax from each user, lessee or tenant of rooms in such hotel. Every person required to collect the tax shall secure said tax from the user, lessee or tenant of a room at the time of collection of the price, charge or rent to which the tax applies. Such tax shall be paid monthly to the Director of Finance of the City together with a statement on forms provided by the Director of Finance showing all receipts from each renting, leasing or letting of rooms during the preceding month. Failure to pay the tax when due shall result in a penalty for late payment of two percent (2%) per month. The Director of Finance may make such rules and regulations as may be necessary to the administration of this Chapter. The Director of Finance or the authorized agent of the City may enter the premises of any hotel for the purposes of inspection and examination of its books and records for the proper administration of this Chapter and for the enforcement of collection of the tax hereby imposed. It is unlawful for any person to prevent, hinder or interfere with the Director of Finance, or the duly authorized agents of the City, in the discharge of the duties hereunder.

#### **2-17-5            PENALTY**

Failure to pay the tax hereby imposed shall be cause for revocation of any and all licenses issued to the hotel by the City, and the City Attorney may bring any appropriate legal action to enforce this Chapter and collect said tax.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 18 REAL ESTATE TRANSFER TAX

##### SECTION

2-18-1	Definitions
2-18-2	Tax Imposed
2-18-3	Liability for Tax
2-18-4	Filing of Declaration
2-18-5	Zoning and Subdivision Violations
2-18-6	Exemptions
2-18-7	Real Estate Transfer Tax Stamps Required
2-18-8	Recordation of Deeds or Trust Document
2-18-9	Duty of Trustee
2-18-10	Proceeds of Tax
2-18-11	Interest and Penalties
2-18-12	Civil Liability for Tax
2-18-13	Deed Void
2-18-14	Lien Created - Enforcement
2-18-15	Fine for Violation
2-18-16	Severability

#### 2-18-1 DEFINITIONS

For the purpose of this Chapter, whenever any of the following words, terms or definitions is used herein, they shall have the meaning ascribed to them in this Section:

**BENEFICIAL INTEREST:** Any interest, regardless of how small or minimal such interest may be, in a land trust held by a trustee for the beneficiaries of such land trust.

**DIRECTOR:** The Director of Community Preservation and Development of the City of Park Ridge or his designee.

**PERSON:** Any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, or a receiver, executor, trustee, conservator or other representative appointed by order of any court.

RECORDATION: The recording of deeds or trust documents with the Office of Recorder of Deeds or the registration of deeds with the Registrar of Titles of Cook County, Illinois.

### **2-18-2 TAX IMPOSED**

A tax is imposed on the privilege of transferring title to real estate located within the corporate limits of the City of Park Ridge as evidenced by the recordation of a deed by any person, and a tax is imposed on the privilege of transferring the beneficial interest in real estate located within the corporate limits of the City of Park Ridge which is the subject of a land trust as evidenced by the trust document that is filed for recordation. The tax is imposed at the rate of two dollars (\$2) per one thousand dollars (\$1,000) of value or fraction thereof stated in the declaration provided for in this Chapter. The tax herein levied shall be in addition to any and all other taxes and fees.

### **2-18-3 LIABILITY FOR TAX**

The ultimate incidence and liability for payment of the tax imposed by this Chapter shall be borne by the grantor of any deed subject to this Chapter or by the grantor, assignor or transferee or of any instrument conveying the beneficial interest in real estate within the corporate limits of the City of Park Ridge, unless the parties to the transfer agree otherwise.

### **2-18-4 FILING OF DECLARATION**

At such time as the tax levied by this Chapter is paid or the exemption presented as provided in Section 2-18-6, there shall be filed with the Director a fully executed and completed "Real Estate Transfer Declaration," which declaration shall be on a form provided by the Director. Such declaration shall be deemed as a confidential record.

### **2-18-5 ZONING AND SUBDIVISION VIOLATIONS**

- A. No real estate transfer stamp shall be issued for the transfer of any property or beneficial interest therein which does not conform to the zoning and subdivision ordinances of the City of Park Ridge, except that this shall not apply to a zoning or subdivision violation which:
1. is a legal nonconforming use, as defined in the Zoning Ordinance, or
  2. existed prior to September 2, 1975, on property which is now improved, or
  3. was created by a predecessor in title to the present seller or grantor after September 2, 1975, on property which is now improved.
- B. No real estate transfer stamp shall be issued for the transfer of any property or beneficial interest therein, where the transfer would result in the creation of any violation of the Zoning or Subdivision Ordinances, other than a violation relating to temporary structures or to detached accessory uses, as defined in the Zoning Ordinance.

- C. No real estate transfer stamp shall be issued for the transfer of any property or beneficial interest therein as to which any fees are owed to the City for water or other municipal services, or when there exists any unsatisfied judgment in favor of the City against any seller or grantor of the property or interest.
- D. The provisions of this Section 5 shall not apply to the following transactions:
1. Transactions which secure debt or other obligation.
  2. Transactions which are releases of property which is security for a debt or other obligation.
  3. Transactions in which the deeds are tax deeds.

## 2-18-6 EXEMPTIONS

The tax imposed by this Chapter shall not apply to the following transactions:

- A. transactions involving property acquired by or from any governmental body or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes.
- B. transactions which secure debt or other obligation.
- C. transactions in which deeds without additional consideration, confirm, correct, modify or supplement deeds previously recorded.
- D. transactions in which the deeds are tax deeds.
- E. transactions which are releases of property which is security for a debt or other obligation.
- F. transactions of partitions.
- G. transactions made pursuant to merges, consolidations or transfers or sales of substantially all of the assets of a corporation pursuant to plans of reorganization.
- H. transactions between subsidiary corporations and their parents for no consideration other than the cancellation or surrender of the subsidiary corporation's stock.
- I. transactions representing transfers subject to the imposition of a documentary stamp tax imposed by the government of the United States.
- J. transactions involving deeds or trust documents executed prior to the effective date of this ordinance.
- K. transactions involving transfer by an executor or administrator to a legatee, heir or distributee where the transfer is being made pursuant to will or by intestacy.
- L. transactions effected by operation of law or upon delivery or transfer in the following instances:
1. from a decedent to his executor or administrator;

2. from a minor to his guardian or from a guardian to his ward upon attaining majority;
3. from an incompetent to his conservator, or similar legal representative, or from a conservator or similar legal representative to a former incompetent upon removal of disability;
4. from a bank, trust company, financial institution, insurance company, or other similar entity, or nominee, or trustee therefore, to a public officer or commission, or person designated by such officer or commission or by a court, in the taking over of its assets, in whole or in part, under state or federal law regulating or supervising such institutions, not upon redelivery or retransfer by any such transferee or successor thereto;
5. from a bankrupt or person in receivership due to insolvency to the trustee in bankruptcy or receiver, from such receiver to such trustee or from such trustee to such receiver, nor upon redelivery or retransfer by any such transferee or successor thereto;
6. from a transferee under paragraphs 1 to 5, inclusive, to his successor acting in the same capacity, or from one such successor to another;
7. from trustees to surviving, substitute, succeeding or additional trustees of the same trust;
8. upon the death of a joint tenant or tenant by the entirety, to the survivor or survivors.

M. Transactions in which the actual consideration is less than one hundred dollars (\$100).

No other instrument purporting to transfer a fee interest in real estate, including but not limited to deeds, pursuant to a judicial sale, shall be exempt. Every deed or other instrument which is exempt pursuant to this Section shall be presented to the Director so as to be appropriately marked by said Director as an exempt deed or instrument eligible for recordation without the payment of tax. At such time as a deed or instrument is presented to the Director, a certificate setting forth the facts which justify exemption shall be presented, together with the declaration required in Section 2-18-4 and a twenty-five dollar (\$25) processing fee.

*(Ord. 2001-52, 12/17/2001, Supp 21), ( Ord.2008-09, 02/11/2008)*

## **2-18-7 REAL ESTATE TRANSFER TAX STAMPS REQUIRED**

The tax herein levied shall be collected by the Director through the sale of real estate transfer tax stamps, which shall be caused to be prepared by said Director in such quantities as said Director may from time to time prescribe. Such stamps shall be substantially in the following design:

City of Park Ridge  
Real Estate  
Transfer Stamp  
No.

Such stamps shall be available for sale at and during the regular business hours of the City offices. Upon payment of the tax herein levied and imposed, the stamps so purchased shall be affixed to the deed or other instrument of conveyance or assignment. Any person so using and affixing a stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his initials and the day, month and year when the affixing occurs. Such marking shall be made by writing or stamping in indelible ink or by perforating with a machine or punch; however, the stamp shall not be so defaced as to prevent ready determination of its genuineness.

**2-18-8 RECORDATION OF DEEDS OR TRUST DOCUMENT**

No deed or trust document conveying real property or assigning the beneficial interest in a land trust in real estate within the corporate limits of the City of Park Ridge shall be entitled to recordation by the Recorder of Deeds of the Registrar of Titles of Cook County, Illinois, unless such deed or trust document shall bear either a City real estate transfer tax stamp or an exemption mark from the Director.

**2-18-9 DUTY OF TRUSTEE**

No trustee of real estate shall accept an assignment of beneficial interest in real estate located in the City of Park Ridge unless such instrument shall bear either a City real estate transfer stamp or an exemption mark from the Director.

**2-18-10 PROCEEDS OF TAX**

All proceeds resulting from the collection of the tax imposed by this Chapter, including interest and penalties, shall be paid into the treasury of the City of Park Ridge and shall be credited to and deposited in the General Fund of the City.

**2-18-11 INTEREST AND PENALTIES**

In the event of failure by any person to pay to the Director the tax required hereunder when the same shall be due, interest shall accumulate and be due upon said tax at the rate of one percent (1%) per month commencing as of the first day following the day when the deed was recorded or the assignment of beneficial interest was accepted by the trustee. In addition, penalty of fifty percent (50%) of the tax shall be assessed and collected against any person who shall fail to pay the tax imposed by this Chapter.

**2-18-12 CIVIL LIABILITY FOR TAX**

In the event of failure by any person to pay to the Director the tax required hereunder when the same shall be due, said person shall be liable to the City of Park Ridge for such tax, together with interest and penalties. The City may bring an action to collect such tax, interest and penalties in any court of competent jurisdiction.

**2-18-13 DEED VOID**

Any transfer of real property or assignment of beneficial interest recorded or registered in violation of any portion of this Chapter shall be null and void. The City may bring an action in a court of competent jurisdiction to direct the Recorder of Deeds or the Registrar of Titles to indicate the invalidity of the deed or trust document on his records.

**2-18-14 LIEN CREATED - ENFORCEMENT**

In the event a deed or trust document is filed for recordation conveying real estate or assigning the beneficial interest in a land trust in real estate within the corporate limits of the City of Park Ridge without the revenue stamps provided by this Chapter, a lien is declared against said real estate in the amount of the tax. The fact that the deed or trust document does not contain a Park Ridge revenue stamp or exemption mark shall constitute constructive notice of the lien. In addition, the City may record a lien for the nonpayment of the tax provided for herein. The lien may be enforced by proceedings to foreclose, as in cases of mortgages or mechanics' liens.

**2-18-15 FINE FOR VIOLATION**

In addition to the remaining provisions of this Chapter, any person found guilty in a court of competent jurisdiction of violating, disobeying, omitting, neglecting or refusing to comply with any provision of this Chapter, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500) for each offense.

**2-18-16 SEVERABILITY**

If any clause, sentence, section, provision or part of this Chapter or the application thereof to any person or circumstance shall be adjudged to be unconstitutional, the remainder of this Chapter or its application to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 19 LIQUOR TAX

##### SECTION

2-19-1	Tax Imposed
2-19-2	Collection of Tax
2-19-3	Maintenance of Records
2-19-4	Late Payment Penalty
2-19-5	Revocation of License
2-19-6	Penalty

#### **2-19-1 TAX IMPOSED**

There is hereby imposed and levied upon the retail purchase within the City of Park Ridge of alcoholic liquor in original packages or containers, at the rate of four percent (4%) of the retail purchase price of such alcoholic liquor. This tax shall be in addition to any and all other taxes. The ultimate incidence and liability for payment of such tax shall be upon the retail purchaser of alcoholic liquor.

*(Ord 2005-33, 5/2/05, S24)*

#### **2-19-2 COLLECTION OF TAX**

Each licensee engaged in the sale of alcoholic liquor in original packages or containers pursuant to a license granted by the City of Park Ridge shall have the duty, incidental to the privilege granted by the license, to collect the liquor tax from each purchaser and to pay it over to the City of Park Ridge, along with an accounting therefor, on return forms provided by the City. The return and tax payment shall be filed with the Director of Finance on the same filing dates as are established for filing with the Illinois Department of Revenue of the Retailer's Occupational Tax Return Form RR-1-A.

#### **2-19-3 MAINTENANCE OF RECORDS**

Each licensee shall have a duty to maintain complete and accurate books, records and accounts showing the gross receipts for the sale of alcoholic liquor and the taxes collected from the purchaser thereof, which shall be available in the City of Park Ridge for examination and for audit by the City upon reasonable notice during customary business hours.

**2-19-4 LATE PAYMENT PENALTY**

If any tax imposed by this Chapter is not paid over to the City when due, a late payment penalty equal to one percent (1%) of the unpaid tax is added for each month, or any portion thereof, that such tax remains unpaid and the total of such late payment penalty shall be paid along with the tax imposed hereby.

**2-19-5 REVOCATION OF LICENSE:**

Failure or refusal of a licensee to comply with the terms of this Chapter shall be cause for suspension or revocation of the liquor license granted by the City of Park Ridge, in addition to any other penalty provided in this Chapter.

**2-19-6 PENALTY**

In addition to any other penalty provided for herein, any person or licensee violating any provision of this Chapter upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each such offense. Each failure to collect the tax imposed hereby and each failure to pay such tax over to the City of Park Ridge shall constitute a separate violation hereof.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 20 MOTOR FUEL TAX

##### SECTION

2-20-1	Tax Imposed
2-20-2	Collection of Tax
2-20-3	Registration and Maintenance of Records
2-20-4	Late Payment Penalty
2-20-5	Definitions
2-20-6	Penalty

#### **2-20-1 TAX IMPOSED**

There is hereby imposed and levied a tax upon the retail purchase within the City of Park Ridge of motor fuel, at the rate of three cents (\$0.03) per gallon or fraction thereof. This tax shall be in addition to any and all other taxes. The ultimate incidence and liability for payment of such tax shall be upon the retail purchaser of motor fuel. Nothing herein shall be construed to impose a tax upon the occupation of selling motor fuel.

*(Ord 2006-33, 4/3/06, S24)*

#### **2-20-2 COLLECTION OF TAX**

Each motor fuel retailer in the City of Park Ridge shall have the duty to collect the motor fuel tax from each purchaser and to pay it over to the City of Park Ridge, along with an accounting therefor, on return forms provided by the City. The return and tax payment shall be filed with the Director of Finance on the same filing dates as are established for filing with the Illinois Department of Revenue of the Retailer's Occupational Tax Return Form RR-1-A.

#### **2-20-3 REGISTRATION AND MAINTENANCE OF RECORDS**

Each motor fuel retailer shall register with the City of Park Ridge on forms provided by the Finance Director. Each motor fuel retailer shall have the duty to maintain complete and accurate books, records and accounts showing the gross receipts for the sale of motor fuel and the taxes collected from the purchaser thereof, which shall be available in the City of Park Ridge for examination and for audit by the City upon reasonable notice during customary business hours.

**2-20-4 LATE PAYMENT PENALTY**

If any tax imposed by this Chapter is not paid over to the City when due, a late payment penalty equal to one percent (1%) of the unpaid tax is added for each month or any portion thereof, that such tax remains unpaid and the total of such late payment penalty shall be paid along with the tax imposed hereby. The City may bring an action to collect any unpaid tax or penalty.

**2-20-5 DEFINITIONS**

For purposes of this Chapter, the following words and phrases shall have the meaning ascribed to them in this Section.

- A. Motor Fuel: All volatile liquids compounded or used for fueling motor vehicles, including gasoline, gasohol, and diesel fuel.
- B. Motor Fuel Retailer: Any person, firm or corporation engaged in the business of selling motor fuel at retail, and not for resale.

**2-20-6 PENALTY**

In addition to any other penalty, any person or licensee violating any provision of this Chapter upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each such offense. Each failure to collect the tax imposed hereby and each failure to pay such tax over to the City of Park Ridge shall constitute a separate violation hereof.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 21 GAS USE TAX

##### SECTION

2-21-1	Tax Imposed
2-21-2	Collection of Tax
2-21-3	Books and Records
2-21-4	Rules and Regulations
2-21-5	Definitions

#### 2-21-1 TAX IMPOSED

- A. Except as otherwise provided by this Chapter, a tax is imposed on the privilege of using or consuming in the City natural gas that is purchased in a sale at retail. The tax shall be at the rate of two cents (\$0.02) per therm.
- B. The ultimate incidence of and liability for payment of the tax is upon the retail purchaser, and nothing in this Chapter shall be construed to impose a tax on the occupation of distributing, supplying, furnishing, selling or transporting gas.
- C. The retail purchaser shall pay the tax, measured by therms of gas delivered to the retail purchaser's premises:
  1. To the public utility designated to collect the tax pursuant to Section 2 of this Chapter on or before the payment due date of the public utility's bill first reflecting the tax; or
  2. Directly to the City on or before the fifteenth day of the second month following the month in which the gas is delivered to the retail purchaser if no public utility has been designated to collect the tax pursuant to Section 2 or if the gas is delivered by a person other than a public utility so designated.
- D. The tax shall not apply to the use or consumption of gas by a person purchasing the gas for use in operating or propelling a vehicle.
- E. To prevent multiple taxation, the use of gas in the City by a retail purchaser shall be exempt from the tax imposed by this Chapter if the gross receipts from the sale at retail of such gas to the retail purchaser are properly subject to a tax imposed upon the seller of such gas pursuant to the City's municipal utility tax, Article 2, Chapter 7 of this Municipal Code, as amended from time to time authorized pursuant to Section 8-11-2 of the Illinois Municipal Code (65 ILCS 5/8-11-2 (1996)).

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- F. A purchaser who purchases natural gas for resale and therefore does not pay the tax imposed by this Chapter with respect to the use or consumption of the gas, but who later uses or consumes part or all of the gas, shall pay the tax directly to the City on or before the fifteenth day of the second month following the month in which the gas is used or consumed.
- G. Nothing in this Chapter shall be construed to impose a tax upon any person, business or activity which, under the constitutions of the United States or the State of Illinois, may not be made the subject of taxation by the City.
- H. The tax shall apply to natural gas for which the delivery to the customer is billed by a public utility on or after May 1, 1998.

## **2-21-2 COLLECTION OF TAX**

- A. The Finance Director is authorized to enter into a contract for collection of the tax imposed by this Chapter with any public utility providing natural gas service in the City. The contract shall include and subsequently conform with the following provisions:
  - 1. The public utility will collect the tax with respect to natural gas delivered by it to its customers as an independent contractor;
  - 2. The public utility will remit collected taxes to the City no more often than once each month;
  - 3. The public utility will be entitled to withhold from tax collections a service fee equal to three percent (3%) of the amounts collected and timely remitted to the department;
  - 4. The public utility will treat partial payments received from a customer as payments made pro rata for each item or charge billed to the customer, including the tax imposed by this Chapter;
  - 5. The obligation of the public utility to collect and remit the tax shall not apply to gas the delivery of which is billed by the public utility to a retail purchaser prior to a date three (3) months subsequent to the execution of such contract;
  - 6. The public utility shall not be liable to the City for any tax not actually collected from a retail purchaser; and
  - 7. Such additional terms as the parties may agree upon.
- B. A public utility designated to collect the tax imposed by this Chapter from its customers shall bill each customer for the tax on all gas delivered to the customer unless:
  - 1. The customer's use or consumption is exempt from the tax pursuant to Section 2-21-1E of this Chapter; or

2. The public utility has received a written certificate issued by the City authorizing the public utility not to collect tax on deliveries to the customer.

### **2-21-3 BOOKS AND RECORDS**

Every person that delivers natural gas which is subject to the tax imposed by this chapter shall keep accurate books and records, including original source documents and books of entry, denoting the activities or transactions that gave rise, or may have given rise to any tax liability or exemption under this chapter. All such books and records shall, at all times during business hours, be subject to and available for inspection by the City.

### **2-21-4 RULES AND REGULATIONS**

The Finance Director is authorized to adopt, promulgate and enforce reasonable rules and regulations pertaining to the administration and enforcement of this Chapter.

### **2-21-5 DEFINITIONS**

For the purpose of this Chapter, the following definitions shall apply:

- A. "Person" means any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court.
- B. "Public Utility" means a public utility as defined in Section 3-105 of the Public Utilities Act.
- C. "Public Utilities Act" means the Public Utilities Act, as amended (220 ILCS 511-101, *et seq.* (1996)).
- D. "Retail purchaser" means any person who purchases gas in a sale at retail.
- E. "Sale at retail" means any sale of gas by a retailer to a person for use or consumption, and not for resale. For this purpose, the term "retailer" means any person engaged in the business of distribution, supplying, or furnishing or selling gas.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 22    LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITIES

*(Ordinance 2001-02, 1/15/2001, Supp21)*

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#### **2-22-1        SCOPE**

The provisions of this chapter shall apply to the City's procedures in connection with all of the City's locally imposed and administered taxes.

#### **2-22-2        DEFINITIONS**

Certain words, or terms herein shall have the meaning ascribed to them as follows:

ACT: The "Local Government Taxpayers' Bill of Rights Act" 50 ILCS 45/1 *et seq.*

LOCALLY IMPOSED AND ADMINISTERED TAX or TAX: Each tax imposed by the City that is collected or administered by the City not an agency or department of the State. It does not include any taxes imposed upon real property under the Property Tax Code or fees collected by the City other than infrastructure maintenance fees.

LOCAL TAX ADMINISTRATOR: The Director of Finance of the City, who is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this ordinance to give full effect to this ordinance. The exercise of such authority by the local tax administrator shall not be inconsistent with this ordinance and the Act.

CITY: The City of Park Ridge, Illinois.

NOTICE: Each audit notice, collection notice or other similar notice or communication in connection with each of the City's locally imposed and administered taxes.

TAX ORDINANCE: Each ordinance adopted by the City that imposes any locally imposed and administered tax.

TAX PAYER: Any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the City.

### **2-22-3 NOTICES**

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven (7) calendar days **prior** to the date fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- (1) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address, or
- (2) Personal service or delivery.

### **2-22-4 LATE PAYMENT**

Any notice, payment, remittance or other filing required to be made to the City pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the City on or before the due date, or (b) received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the City, with adequate postage prepaid.

**2-22-5 PAYMENT**

Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

**2-22-6 CERTAIN CREDITS AND REFUNDS**

- A. In the event that a locally imposed and administered tax is finally declared invalid by a court of competent jurisdiction, the City shall not refund or credit any taxes voluntarily paid without written protest at the time of payment. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.
- B. The statute of limitations on a claim for credit or refund shall be four (4) or less years after the end of the calendar year in which payment in error was made. The City shall not grant a credit or refund officially imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the City.
- C. The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:
1. The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
    - (i) the name of the locally imposed and administered tax subject to the claim-,
    - (ii) the tax period for the locally imposed and administered tax subject to the claim;
    - (iii) the date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
    - (iv) the taxpayer's recalculation, accompanied by an amended or revised tax return in connection with the claim; and
    - (v) a request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the City.
  2. Within ten (10) days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
    - (i) grant the claim; or
    - (ii) deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.

3. In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of five percent (5%) per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

## **2-22-7            AUDIT PROCEDURE**

Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements' of this ordinance.

- A. Each notice of audit shall contain the following information:
  1. the tax;
  2. the time period of the audit; and
  3. a brief description of the books and records to be made available for the auditor.
- B. Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time within thirty (30) days may be requested by the taxpayer after the originally designated audit.
- C. The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven (7) days nor more than thirty (30) days from the date the notice is given, unless the taxpayer and the local tax administrator agreed to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the thirty (30) days approved in writing, that is convenient to the taxpayer and the local tax administrator.
- D. Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the City.
- E. It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the City. If the taxpayer fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- F. If an audit determines there has been an overpayment of a locally imposed and administered tax, written notice of the amount of overpayment shall be given to the taxpayer within thirty (30) days of the City's determination of the amount of overpayment.
- G. In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

## **2-22-8            APPEAL**

- A. The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:

1. the reason for the assessment;
  2. the amount of the tax liability proposed;
  3. the procedure for appealing the assessment; and
  4. the obligations of the City during the audit, appeal, refund and collection process.
- B. A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within forty-five (45) days of receipt of the written notice of the tax determination and assessment.
- C. If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within fourteen (14) days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.
- D. If a written protest and petition for hearing is not filed within the forty-five (45) day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.
- E. Upon the showing of reasonable cause by the taxpayer and the full payment of the contested. tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than forty-five (45) days after the expiration of the original forty-five (45) day. period.

## **2-22-9 HEARING**

- A. Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under section nine, above, the local tax administrator shall conduct a hearing regarding any appeal.
- B. No continuances shall be granted except in. cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed fourteen (14) days.
- C. At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
- D. At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

**2-22-10 INTEREST AND PENALTIES**

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

- A. Interest. The City hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be five percent (5%) per annum, based on a year of 365 days and the number of days elapsed.
- B. Late Filing and Payment Penalties. If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty of five percent (5%) of the amount of tax required to be shown as due on a return shall be imposed; and a late payment penalty of five percent (5%) of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to twenty-five percent (25%) of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

**2-22-11 ABATEMENT**

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

**2-22-12 INSTALLMENT CONTRACTS**

The City may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is thirty (30) days delinquent, the taxpayer shall have fourteen (14) working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the fourteen (14) day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

**2-22-13 STATUTE OF LIMITATIONS**

The City, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have forty-five (45) days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

No determination of tax due and owing may be issued more than four (4) years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.

If any tax return is not filed or if during any 4-year period for which a notice of tax determination or assessment may be issued by the City, the tax paid was less than seventy-five percent (75%) of the tax due, the statute of limitations shall be six (6) years maximum after the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.

No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.

#### **2-22-14 VOLUNTARY DISCLOSURE**

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent (1%) per month, for all periods prior to the filing of the application but not more than four (4) years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than ninety (90) days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this Section must be paid within ninety (90) days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

#### **2-22-15 PUBLICATION OF TAX ORDINANCES**

Any locally administered tax ordinance shall be published via normal or standard publishing requirement. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the City Clerk's office.

#### **2-22-16 LIENS**

The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is determined to be improper, the local tax administrator shall:

1. timely remove the lien at the City's expense;
2. correct the taxpayer's credit record and
3. correct any public disclosure of the improperly imposed lien.

**2-22-17      APPLICATION**

This Chapter shall be liberally construed and administered to supplement all of the City's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this ordinance, this ordinance shall be controlling.

**2-22-18      SEVERABILITY**

If any section, paragraph or provision, of this ordinance 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 ordinance.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 23 HEARING PROCEDURES

*(Ord 2003-44, 7/21/2003, Supp23)*

#### SECTION

2-23-1	Right to Appeal
2-23-2	Time for Appeal; Notice
2-23-3	Hearing Officer
2-23-4	Time and Place for Hearing; Notice
2-23-5	Hearing Procedures on Appeal
2-23-6	Service of Papers
2-23-7	Filing
2-23-8	Forms of Paper
2-23-9	Computation of Time
2-23-10	Findings of Hearing Officer
2-23-11	Final Decision of Procedures & Regulations Committee of the City Council
2-23-12	Review of Decision

#### **2-23-1 RIGHT TO APPEAL**

- A. Except as may otherwise be provided in this Code, whenever a provision of the Park Ridge Municipal Code provides for a right to appeal an order, requirement, decision or determination made by an administrative official charged with the enforcement of any ordinance of the City, the appeal shall be conducted in accordance with the following hearing procedures.
- B. The appeal and hearing procedures contained herein shall not apply where provisions of the Park Ridge Municipal Code provide for a hearing process other than the procedures set forth in this Chapter.
- C. “Complainant” as used herein means the individual initiating the appeal.

#### **2-23-2 TIME FOR APPEAL; NOTICE**

- A. The Complainant shall file a written notice of Appeal within fourteen (14) days of the date of the order, requirement, decision or determination complained of.
- B. The Complainant shall file the original and three copies of the written Notice of Appeal with the City Clerk and also serve a copy on the city official whose order, requirement,

decision or determination is being appealed. The Notice of Appeal shall set forth the order, requirement, decision or determination that is being appealed and shall contain sufficient information specifying the reason or reasons the order, requirement, decision or determination is in error.

- C. The City Clerk shall transmit a copy of the Notice of Appeal to the City Manager, the City Attorney and the Hearing Officer.
- D. An appeal stays all proceedings in furtherance of the action committed or appealed from unless the City Official determines that a stay would cause imminent peril to life or property.

### **2-23-3 HEARING OFFICER**

- A. The Mayor shall appoint an individual to serve as hearing officer.
- B. It shall be the duty of the hearing officer to conduct the hearings on any appeals, in accordance; with the procedures set forth herein.
- C. The hearing officer shall be a person currently admitted to the bar as a duly licensed attorney; an attorney who retired from the bar while in good standing; or a member in good standing of the American Arbitration Association.

### **2-23-4 TIME AND PLACE FOR HEARING; NOTICE**

Within a reasonable time after receipt of the Notice of Appeal, the Hearing Officer shall notify the City Attorney and the administrative official, either by registered mail or certified mail, return receipt requested, or personally, of the time and place of the hearing of the appeal.

### **2-23-5 HEARING PROCEDURES ON APPEAL**

- a. Hearings before the Hearing Officer are not common law proceedings. The provisions of the “Illinois Code of Civil Procedure” do not apply to hearings before the Hearing Officer.
- b. “Counsel” as used herein means a person who has been admitted to the bar as a duly licensed attorney-at-law in this State.
- c. The Complainant shall have the burden of proof to establish by a preponderance of the evidence that the order, requirement, decision or determination of the administrative official is not warranted.
- d. At the time and place of hearing, both parties may be represented by counsel, if they so desire.
- e. The proceedings of the hearing shall be recorded by a court reporter. The record of the hearing will not be transcribed by the reporter unless requested to do so by any party of interest.

The cost of the transcript shall be born by the party requesting the report of proceedings to be transcribed.

f. All witnesses shall be sworn prior to testifying and the matter will be decided solely on evidence presented at the hearing. The credibility of any witness and the weight to be given to any witness' testimony shall be determined by the Hearing Officer.

g. All parties shall have the right to cross-examine witnesses presented by the opposite party.

h. The matter of granting or refusing to grant a continuance of a hearing is within the discretion of the Hearing Officer.

i. Any facts stipulated between the parties, in writing, shall be considered as evidence in the proceeding.

#### **2-23-6 SERVICE OF PAPERS**

All papers required by this Chapter to be served shall be delivered personally to the party designated or mailed, by United States mail in an envelope properly addressed, with postage prepaid, to the designated party at his last known residence as reflected by the Notice of Appeal filed with the City Clerk, except as herein otherwise provided. Proof of service of any paper may be made by the certification of any person so mailing the paper or delivering the same to the designated party personally, or by filing a return receipt showing that a paper was mailed by either registered or certified mail, return receipt requested, to a party's address where it was received by a named party.

#### **2-23-7 FILING**

All papers may be filed with the Hearing Officer by mailing them or delivering them personally to the Hearing Officer in care of the City Clerk, 505 Butler Place, Park Ridge, Illinois, 60068. The filing date of any paper shall be the date it was received in the City Clerk's office, in the event the paper is delivered personally or by messenger. In the event a paper is forwarded by mail, then the filing date shall be the date, which is postmarked on the envelope of such paper.

#### **2-23-8 FORMS OF PAPER**

A. All papers filed in any proceeding shall be typewritten or printed and shall be on one side of the paper only.

B. If typewritten, the lines shall be double spaced except that long quotations may be single spaced and indented.

C. All papers shall be not larger than 8-1/2" by 11" with inside margins of not less than one inch.

- D. The original of all papers filed shall be signed in ink by the party filing the paper or by an officer, agent, or attorney thereof and copies thereof provided the opposing party or his counsel.
- E. If papers are filed by an attorney, his name and address shall appear thereon.

#### **2-23-9 COMPUTATION OF TIME**

The time within which any act is to be done shall be computed by excluding the first day and including the last, unless the last day is Sunday or is a holiday as defined or fixed in any statute now or hereafter in force in the State, and then it shall also be excluded. If the day succeeding such Sunday or holiday is also a holiday or a Sunday, then such succeeding day shall also be excluded.

#### **2-23-10 FINDINGS OF HEARING OFFICER**

The Hearing Officer shall, within a reasonable time not to exceed fourteen (14) days after the hearing is completed, submit Findings of Fact and a recommendation for disposition of the appeal to the Procedures and Regulations Committee of the City Council and the parties. The Hearing Officer's recommendation shall include the reason or reasons for such recommendation.

#### **2-23-11 FINAL DECISION BY PROCEDURES AND REGULATIONS COMMITTEE OF THE CITY COUNCIL**

Upon receipt of the Findings of Fact and Recommendation of the Hearing Officer, the Procedures and Regulations Committee of the City Council shall affirm, reverse or modify, in whole or in part, the order, requirement, decision or determination of the administrative official.

#### **2-23-12 REVIEW OF DECISION**

All final decisions of the Procedures and Regulations Committee of the City Council regarding appeals shall be appealable to the Circuit Court of Cook County by Administrative Review.

## ARTICLE 2

### CORPORATE SEAL, EMBLEMS AND POLICIES

#### CHAPTER 24     **DISCLOSURES REQUIRED FROM PERSONS SEEKING CONSIDERATION OR DOING BUSINESS WITH THE CITY**

*Entire Chapter Added (Ord. 2007-27,4/2/07, S25)*

#### SECTION

2-24-1	Required Disclosures
2-24-2	Time of Submittal
2-24-3	Assignment
2-24-4	Penalty
2-24-5	Public Inspection
2-24-6	Building Permit Exempted

#### **2-24-1     REQUIRED DISCLOSURES**

No transaction involving:

1. Sales, purchases, leases of real property;
2. Contracts with the City requiring City Council approval;
3. Vacations of public ways;
4. Zoning district amendments;
5. Variations, special uses or planned developments;
6. Subdivisions, re-subdivisions or consolidations of parcels of land;
7. Façade grants and/or loans;

shall be considered by any employee, commission, board or council of the City unless the person or entity applying for the relief or approval discloses, among other matters, the following information on a form to be supplied by the City:

- a.     The name of any and all current holders of legal or beneficial title to the property in question.
- b.     If there is a contract pending for the sale of the property, the name of the purchasing party.
- c.     The name of the party making the application.
- d.     With respect to a, b and c above, the following shall apply:

- i. “Holder of title” shall mean each and every legal or beneficial owner.
- ii. If any party whose name is required is an entity other than a natural person, then the application shall disclose the name of every natural person holding a greater than 3% interest in the entity and every director, officer and manager of such entity. If the entity is a limited partnership or a limited liability company, then the name of every limited or general partner or member shall be disclosed. If such limited or general partner is a corporate entity, then the name of every person holding a greater than 3% interest in that corporation shall be disclosed.
- iii. “Name” shall mean name and business address.
- iv. If during the course of the approval process, changes are made in the above information, there shall be a continuing requirement to update the information.

The name of any City of Park Ridge employee or official who has acted as or intends to act as a consultant or vendor to any of the persons or entities required to be disclosed in a, b, c or d above.

#### **2-24-2 TIME OF SUBMITTAL**

All disclosures of information required by this Chapter shall be submitted at the time of application for the consideration sought. In each instance, the material shall, in turn, be submitted to the City Council prior to the Council acting on the matter. It shall be the responsibility of the applicant to keep the disclosure information current until such time as the City Council has taken final action.

#### **2-24-3 ASSIGNMENT**

The assignment or transfer or agreement to assign or transfer any right, interest or permit within one year of the Council’s final action shall raise a rebuttable presumption that the transfer was to a person or entity in constructive control of the applicant at the time of application. In the event such entity was not disclosed prior to the Council’s original action, the penalty set forth in this ordinance section shall be applicable.

#### **2-24-4 PENALTY**

Upon finding that an applicant has failed to comply with the provisions of this Chapter, the City Council may declare the Council action on behalf of such applicant void and may direct the initiation of legal action for violation which shall be punishable by fine of not less than one hundred dollars (\$100) per day and not more than five hundred dollars (\$500) per day. A separate offense shall be deemed committed for each day upon which required information was withheld.

**2-24-5 PUBLIC INSPECTION**

A copy of each disclosure statement filed in the course of a transaction shall be made available for public inspection upon application to the office of the City Clerk during the regular business hours of said office, and shall be included among the posted materials on the City's website in advance of the meeting at which the application will be discussed or acted upon.

**2-24-6 BUILDING PERMIT EXEMPTED**

These requirements shall not apply to the application for a building permit.