

**AN ORDINANCE AMENDING CHAPTER 102 'TAXATION'
(Hotel Tax)**

WHEREAS, the city currently imposes a tax on the rental of hotel and motels within the city: and

WHEREAS, the city council believes it is in the best interests of the city to specifically impose a tax on the rental of hotel and motel rooms by persons booking hotel and motel rooms through on-line travel companies.

NOW THEREFORE BE IT ORDAINED, the by City Council of the City of Rolling Meadows, as follows:

SECTION ONE: Division 2 of Chapter 102 "Taxation" is hereby repealed and replaces with the following:

Section 102-56– Tax Imposed.

A tax is hereby levied and imposed upon all persons engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel in the city at a rate of eight percent (8%) of the gross rental receipts from such rental, leasing or letting. The ultimate incidence 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.

Section 102-57- Lodging subject to tax.

The word "hotel" and the word "motel" within the meaning of this division include every building or structure, or portion thereof, kept, used, maintained, advertised and held out to the public to be a place where lodging, or lodging and food, or apartments, or suites, or other accommodations are offered for a consideration to guests, including but not limited to such buildings or structures, or portions thereof, booked through online travel companies. Accommodations within said buildings or structures which are leased to the same occupant for a period of more than thirty (30) consecutive days regardless of the initial lease commitment shall be exempt from the tax provisions of this division.

Section 102-58 - DUTY TO COLLECT TAX FROM USER.

The owner and operator of each hotel and or motel, the person to whom the license to operate said hotel or motel shall have been issued by the city, and any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel shall bear jointly and severally the duty to collect the tax from each user, lessee or tenant of rooms in such hotel or motel. Every person required to collect the tax levied by ordinance shall secure said tax from the user, lessee or tenant of a room or rooms at the time that he collects the price, charge or rent to which it applies.

Section 102-59 - PAYMENTS TO CITY.

(A) Enforcement Officer: The finance director hereby is designated as the administration and enforcement officer of the tax hereby imposed on behalf of the city. It shall be the responsibility and duty of the finance director to collect all amounts due the city from the owners, operators and licensees of motels and hotels in the city, and any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel.

(B) Tax Return Filing: A sworn hotel and motel occupancy tax return shall be filed by each owner, operator or licensee of each hotel or motel in the city, or by any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel in the city, with the finance director, on forms prescribed by him, showing all receipts from each renting, leasing or letting of rooms during the reporting period. The tax returns are to be prepared and submitted on a monthly reporting period basis. The tax return and payment of the tax due shall be received or postmarked on or before the last day of the month succeeding the reporting period.

(C) Payment: Each tax return shall be accompanied by payment to the city of all taxes due and owing for the reporting period covered by the tax return, provided, however, that the owner, operator, or licensee, or any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel in the city filing said return may retain an amount of money equal to one percent (1%) of the tax due as compensation for services rendered in the collection and payment of such tax.

(D) Books and Records: The finance director or any person certified by him as his deputy or representative may enter the premises of any hotel or motel, or may request access from any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel for the purposes of inspection and examination of its books and records for the proper administration of this division, and for the enforcement of collection of the tax hereby imposed. It is unlawful for any person to prevent, hinder or interfere with the finance director or his duly authorized deputy or representative in the discharge of his duties hereunder.

(E) Duty to Maintain Records: The owner and operator of each hotel and/or motel and the person to whom the license to operate said hotel or motel shall have been issued by the city, and any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel shall bear jointly and severally the duty and responsibility to maintain records of hotel taxes collected from each user, lessee or tenant of the rooms of said hotel or motel for a period of three (3) years from the time the tax is due and owing. Any records in excess of three (3) years may be disposed.

Section 102-60 - ENFORCEMENT LICENSE REVOCATION.

(A) Whenever any person shall fail to pay any taxes herein provided, or when any owner, operator or licensee of a hotel or motel in the city, or any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel in the city shall fail to collect the tax hereby imposed from any person who has the ultimate liability for payment of the same, the city attorney shall, upon request of the finance director, bring or cause to be brought an action to enforce the payment of said tax on behalf of the city in any court of competent jurisdiction.

(B) If the city manager or designee, after a hearing held by or for him, shall find that any hotel or motel owner, operator or licensee, or any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel has willfully evaded his responsibility to collect the tax imposed by this division, he may suspend or revoke all city licenses held by such tax evader. Said person shall have an opportunity to be heard at such hearing, to be held not less than five (5) days after notice of the time and place thereof, addressed to him at his last known place of business. Any suspension or conviction resulting from such hearing shall not relieve or discharge any civil liability for nonpayment of the tax due.

Section 102-61 - PENALTIES AND INTEREST.

If any tax imposed by this division is not paid when due, or any tax return and/or required supporting tax documentation is not filed when due, any interest and penalty shall be pursuant to Article VI of this chapter.

Section 102-62 - PAYMENTS.

All proceeds resulting from the imposition of the tax under this division, including interest and penalties, shall be paid into the treasury and shall be credited to and deposited in the general fund or any other funds designated by the city board.

Section 102-63 - AGENT DESIGNATION.

Each and every owner and operator of any hotel and/or motel within the City of Rolling Meadows, and any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel shall designate an individual, either by name or job title, to receive any written communication from the city regarding the hotel/motel tax here imposed. Each person so designated shall be employed at a facility located within the City of Rolling Meadows, and, for purposes of this section, be referred to as "agent". Online travel companies which have a principal place of business outside the boundaries of the City of Rolling Meadows shall not be required to have an agent employed at a facility located within the city. All online travel companies shall still be required to designate an agent pursuant to this section with the location restriction being the sole exception to the requirements of this section.

Each owner and operator of each hotel and/or motel, and any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the

city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel may additionally designate an individual, either by name or job description, outside of the corporate limits of the City of Rolling Meadows to receive the same information or inquiries provided to the person designated within the city.

It shall be the obligation of each owner or operator of the hotel and/or motel, or any other persons, entities or online travel companies engaged in the business of renting, leasing, or letting rooms in a hotel or motel in the city or making, booking, facilitating or servicing the leasing or renting of rooms in a hotel or motel to notify the city in writing via certified mail of any change of persons so designated within ten (10) days of any change.

Section 102-64 - VIOLATIONS.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with the enforcement of any provision of this division, except when otherwise specifically provided, shall be subject to the penalty of Article VI of this Code.

SECTION THREE: This Ordinance shall be in full force and effect from and after its date of passage and approval as required by law.

SECTION FOUR: This Ordinance shall be printed and published in pamphlet form by order of the City Council of Rolling Meadow, Illinois.

YEAS: O'Brien, Bisesi, D'Astice, Sanoica, Cannon, Budmats

NAYS: 0

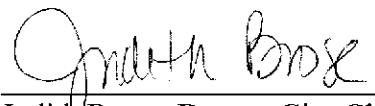
ABSENT: 0

Passed and approved this 11th day of June 2019.



Joe Gallo, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 12th day of June, 2019.



Judith Brose, Deputy City Clerk