

**ORDINANCE ESTABLISHING AND AMENDMENTS TO
HOTEL USE TAX**

Consolidated Ordinance No. 81-24, 90-37, 2002-63, 2007-53 and 2009-07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DECATUR, ILLINOIS:

Section 1. As used in this ordinance, unless the context otherwise requires:

(1) "Hotel" means any building or structure in which the public may, for a consideration, obtain living quarters, or sleeping or housekeeping accommodations in which ten or more rooms, apartments or suites are available for such use, and includes inns, motels, tourist homes or courts, lodging houses, rooming houses and apartment houses.

(2) "Permanent resident" means any person who occupied or has the right to occupy any room or rooms in a hotel for not less than thirty consecutive days.

(3) "Rent" or "rental" means the consideration received for occupancy, valued in money, whether received in money or otherwise, including all receipts, cash, credits and property or services of any kind or nature.

(4) "Person" means any individual, firm, entity or representative.

Section 2. A tax, in addition to any and all other taxes, is imposed upon the use and privilege of renting, leasing or letting of rooms in a hotel in the City at a rate of six percent of the gross rental receipts from such rental, leasing or letting, the ultimate incidence of and liability for payment of which shall be borne by the user, lessee or tenant of said rooms; provided that, said tax is imposed at the rate of four percent of such gross rental receipts upon the use and privilege of those rooms which were rented, leased or let pursuant to a contract executed prior to September 1, 2002.

Section 3. No person shall engage in the business of renting, leasing or letting rooms in a hotel in the City without a license obtained from the City Clerk.

Section 4. The owner and operator of each hotel and the person to whom the license to operate the same is issued shall, jointly and severally, have the duty to collect and account for said tax from each user, lessee or tenant of rooms in such hotel at the time that the rent for the same is collected.

Section 5. A sworn monthly return shall be filed with the Director of Finance for each hotel in the City of forms prescribed by said Director showing all receipts from each renting, leasing or letting of rooms which return shall be filed before the last day of the month next succeeding the month for which the return is made and shall be accompanied by payment of all taxes due and owing for the month covered by said return.

Section 6. If for any reason any tax is not paid when due, a penalty at the rate of two percent per thirty day period, or portion thereof, from the day of delinquency shall be added thereto and paid.

Section 7. Payment and collection of said tax may be enforced by action in any court of competent jurisdiction and failure to collect, account for and pay over said tax shall be cause for revocation of any City license for such hotel or applicable to the premises thereof all in addition to any other penalty provided in this ordinance.

Section 8. The tax imposed by the provisions hereof shall not apply to the renting, leasing or letting of rooms by permanent residents.

Section 9. The City Manager is hereby authorized to promulgate and publish rules and regulations and to establish procedures not inconsistent with the provisions hereof which said Manager may deem necessary or desirable to administer and enforce the same.

Section 10. Any person operating a hotel in the City without a license, or failing or omitting to pay said tax when due, or failing or omitting to collect, account for and pay over said tax shall, in addition to any other penalty provided herein, upon conviction be fined not less than Fifty Dollars (\$50.00) nor more than Five hundred Dollars (\$500.00).

Section 11. The City Clerk is hereby authorized to cause this ordinance to be published in pamphlet form and the same shall become effective, and the tax imposed hereby shall commence, May 1, 1981 and shall remain in effect on and after September 1, 2009.

Ordinance No. 81-24 presented, passed, approved and recorded the 13th day of April, 1981. The above consolidated ordinance reflects the most recent amended information.

Amending ordinance highlights:

Ordinance 90-37 increased the rate from three to four percent and took effect on April 16, 1990. Presented, passed, approved and recorded the 2nd day of April, 1990.

Ordinance No. 2002-63 increased the rate from four to six percent effective September 1, 2002, and terminated the increase after August 31, 2007. Presented, passed, approved and recorded the 22nd day of July, 2002.

Ordinance No. 2007-53 continued the rate of six percent effective September 1, 2007, and terminated the increase after August 31, 2009. Presented, passed, approved and recorded the 18th day of June, 2007.

Ordinance No. 2009-07 continued the six percent rate to remain in effect on and after September 1, 2009. Presented, passed, approved and recorded the 17th day of February, 2009.

For full text of the above ordinances contact City Clerk, City of Decatur, #1 Gary K. Anderson Plaza, Decatur, IL 62523.