

Ord. 21-43

**THE CITY OF CALUMET CITY,
COOK COUNTY, ILLINOIS**

ORDINANCE NUMBER 21-43

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 82 OF THE
MUNICIPAL CODE OF CALUMET CITY, COOK COUNTY, ILLINOIS
GOVERNING TAXATION**

**THADDEUS JONES, Mayor
NYOTA T. FIGGS, City Clerk
DEJUAN GARDNER
MICHAEL NAVARRETE
JAMES PATTON
ANTHONY SMITH
DEANDRE TILLMAN
RAMONDE WILLIAMS
MONET WILSON**

Alderspersons

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**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 82 OF THE
MUNICIPAL CODE OF CALUMET CITY, COOK COUNTY, ILLINOIS
GOVERNING TAXATION**

WHEREAS, the City of Calumet City, Cook County, Illinois, is a home-rule unit of government and pursuant to the provisions of said Section 6(a) of Article VII of the Constitution of the State of Illinois, may exercise any power and perform any function pertaining to its government and affairs, including, but not limited to, the power to tax and to incur debt; and

WHEREAS, the Illinois Video Gaming Act (“VGA”), 230 ILCS 40/1 et seq., regulates the operation, licensing, and administration of video gambling; and

WHEREAS, the City of Calumet City (“City”) in accordance with the VGA regulates video gaming activity within the City; and

WHEREAS, pursuant to the Article VII, Section 6(a) and Section 6(j) of the Ill. Const. of 1970 in conjunction with 65 ILCS 5/11-42-5 of the Illinois Municipal Code, the City is authorized to impose a tax upon amusements; and

WHEREAS, the City now desires to impose a tax upon the amusement of playing a video gaming terminal within the City (“Push Tax”); and

WHEREAS, the City’s Push Tax will provide much needed revenue to promote the general health, safety, and welfare of the City and its residents, and provide adequate funds to offset the adverse effects of gambling within the City; and

WHEREAS, the Mayor and City Council of the City of Calumet City, hereby believe that it is in the best interest of the City to impose said Push Tax; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Calumet City as follows:

Section 1. Amendments. That Chapter 82- Taxation shall be amended to add an entirely new section which shall be titled “Article XVII- VIDEO GAMING AND AMUSEMENT TAX” which shall read as follows:

Sec. 82-537. Definitions.

As used in this Section, the following terms shall mean as follows:

Terminal Operator means any individual, partnership, corporation, or limited liability company that is licensed under the Video Gaming Act, 230 ILCS 40/1 et seq., and that owns, services, and maintains Video Gaming Terminals for placement in licensed establishments, licensed truck stop establishments, licensed large truck stop establishments, licensed fraternal establishments, or licensed veterans establishments.

Play means each individual push of the Video Gaming Terminal which initiates the simulation provided by the Video Gaming Terminal. Play shall not include the push of individual wager amounts, selection of types of games on the Video Gaming Terminal or entry of any information or printing of winning receipts.

Video Gaming Terminal means any electronic video game machine that, upon insertion of cash, electronic cards or vouchers, or any combination thereof, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, as authorized by the Illinois Gaming Board utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

Sec. 82-538. Push Tax

Except as otherwise provided by this Chapter, an amusement tax is imposed upon any person who participates in the Play of a Video Gaming Terminal that takes place within the jurisdictional boundaries of the City of Calumet City. The rate of the tax shall be equal to one cent (\$0.01) per Play on a Video Gaming Terminal. The Terminal Operator of a Video Gaming Terminal may separately itemize and charge each Person who Plays a Video Gaming Terminal.

Sec. 82-539. Tax Additional

The tax imposed in this Chapter is in addition to all other taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

Sec. 82-540. Registration

Every Terminal Operator of a Video Gaming Terminal(s) located in the City shall apply for registration as a tax collector with the City no later than thirty (30) days after commencing such business or thirty (30) days after the effective date of this Ordinance imposing the Push Tax, whichever occurs later. The application shall be submitted to the City on the forms provided by the City and contain such information as reasonably required by the City to impose, collect, and audit all amounts related to the Push Tax.

Sec. 82-541 Collection, Payment and Accounting

(a) It shall be the joint and several duty of every Terminal Operator of a Video Gaming Terminal(s) to secure from each Person participating in the Play of a Video Gaming Terminal the Push Tax imposed by this Chapter. For purposes of this Chapter, it shall be presumed that the amount of the Push Tax imposed on each Person, unless the taxpayer or tax collector provides otherwise with books, records, or other documentary evidence, has been collected from the Person by the Terminal Operator. Push Tax payments accompanied by tax returns prescribed by the City shall be remitted to the City on or before the 20th day of the month following the month in which payment for the Push Tax is made.

(b) Every Terminal Operator of a Video Gaming Terminal who is required to collect the Push Tax by this Chapter shall be considered a tax collector for the City. All Push Tax amounts collected shall be held by the Terminal Operator as trustee for and on behalf of the City. The failure of the Operator to collect the tax shall not excuse or release the Person from the obligation to pay the tax. The ultimate incidence of the Push Tax shall remain on the Person and shall never be shifted to the Terminal Operator.

(c) 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, the Push Tax imposed by this Chapter unless the person files a claim for a refund or credit within one (1) year after the date on which the Push Tax was paid or remitted to the City.

(d) The Terminal Operator of any Video Gaming Terminal(s) shall be subject to audit, inspection, and record keeping provisions of this Code. It shall be unlawful for any Terminal Operator and/or Person to prevent, hinder, or interfere with the City's Officials, employees, and/or agents designated to discharge their respective duties in the performance and enforcement of the provisions of this Chapter. It is the duty of every Terminal Operator of a Video Gaming Terminal(s) to keep accurate and complete books and records to which the City's officials, employees, and/or agents will at all times have full access.

Sec. 82-542. Violations; Penalties

(a) It shall be a violation of this Section for a Terminal Operator to fail to file a report within the time prescribed in this Section. A Terminal Operator who falsely reports or fails to report the amount of Push Tax due required by this Section shall be in violation of this Section and is subject to suspension and/or revocation of their Terminal Operator License. All payments not remitted when due shall be paid together with a penalty assessment on the unpaid balance at a rate of 1.5% per month.

(b) The Mayor/Local Liquor Commissioner or his or her designee shall have the power to suspend for not more than thirty (30) days or revoke any video gaming license issued under the provisions of this chapter for cause, or if he/she determines that a Terminal Operator shall have violated any of the provisions of this Section, any of the statutes of the State or any other valid ordinance or resolution enacted by the Mayor and City Council. However, no such license shall be revoked or suspended except after the holding of a public hearing by the Mayor/Local Liquor Commissioner or his or her designee. Ten (10) days' notice of the hearing shall be given to the Terminal Operator. Alternatively, Terminal Operator shall have the opportunity to engage in a prehearing conference and agree to negotiated penalties rather than proceed to a hearing.

(c) In addition, any Terminal Operator violating the provisions of this Chapter shall be subject to a fine of \$500.00 for the first offense, and \$750.00 for the second offense, and \$1,000 for a third offense and subject a revocation of any license to operate a Video Gaming Terminal for the third offense. It shall be deemed a violation of this Section for any Owner to knowingly furnish false or inaccurate information to the City. Each day a violation continues shall constitute a separate violation. It shall be deemed a violation of this Section for any Person to knowingly furnish false or inaccurate information to the City.

Sec. 82-543. Seizure for Unlawful Use.

If the City determines that the City shall have a reasonable basis for believing any Owner is using a Video Gaming Terminal in an illegal manner contrary to the provisions of this Section or any other federal, state, or municipal law and/or regulation, said Video Gaming Terminal may be seized by the City, followed by an administrative hearing with notice to the Owner within seven (7) days of seizure to determine the appropriateness of the seizure, and held until such time as the Owner of such Video Gaming Terminal pays any delinquent Push Tax amount, reimburses the City for actual cartage costs incurred in the seizure and pays the City \$20.00 for each day the Video Gaming Terminal has been in storage.

Sec. 82-544. Inspections.

It shall be the duty of the chief of police and the fire chief to see that every exhibition, amusement, theatrical or other public show or amusement is inspected by a member of the police and fire departments, and to ensure conformity with the provisions concerning such amusements.

Section 2: Superseder. In the event a conflict exists between the terms of this Ordinance and any other ordinance or resolution of the City, the terms of this Ordinance shall govern.

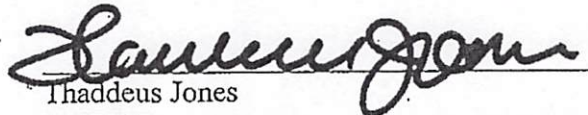
Section 3: Severability. This Ordinance and every provision thereof shall be considered severable and the invalidity of any section clause, paragraph, sentence or provision of this Ordinance will not affect the validity of any other portion of this Ordinance.

Section 4: Effective Date. This Ordinance shall be in full force and effect upon its passage and publication in pamphlet form, in accordance with law, and the provisions of the Calumet City's Municipal Code amended herein shall be reprinted with the changes.

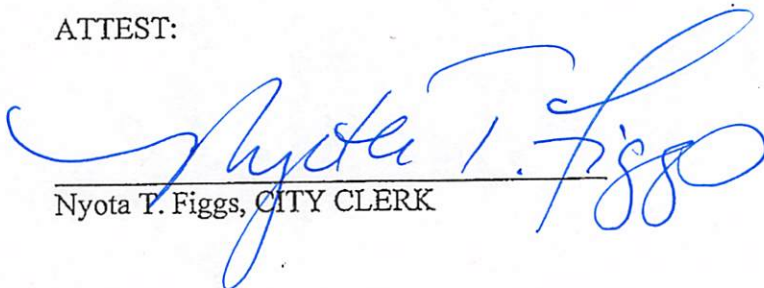
ADOPTED this 31st day of October, 2021, pursuant to a roll call as follows:

	Yes	No	Absent	Present
Gardner	x			
Navarrete	x			
Patton	x			
Smith	x			
Tillman	x			
Williams	x			
Wilson	x			
(Mayor Jones)				

APPROVED by the Mayor on Oct 31st, 2021.


Thaddeus Jones
MAYOR

ATTEST:


Nyota T. Figgs, CITY CLERK

Return to Reg.
Order of Business

Alderman moved seconded by Alderman to return to the

Approve Ord.
Amending Chap 82
Governing Taxation

An Ordinance Amending Certain Provisions of Chapter 82 of the
Municipal Code of Calment City, Cook County, Illinois Governing Taxation.

(Ord. # 21-43)

(See Attached 2A)

ROLL CALL

YEAS: 7 ALDERMEN: Navarrete, Wilson, Tillman, Williams,
Gardner, Patton, Smith.

NAYS: 0 ALDERMAN: NONE

ABSENT: 0 ALDERMEN: NONE

MOTION CARRIED

Adjournment

The special meeting adjourned with a motion made by Alderman Smith,
seconded by Alderman Patton.

MOTION CARRIED

X

Nyota T. Fiqqs
City Clerk