

ORDINANCE NO. 24-62

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF ROLLING MEADOWS, ILLINOIS, REGARDING THE ENFORCEMENT PROVISIONS FOR TAXES DUE TO THE CITY, INCLUDING THE IMPOSITION OF TAX LIENS AND A FINANCIAL RESPONSIBILITY TAX BOND

WHEREAS, the City of Rolling Meadows, Cook County, Illinois (“City”), is a home rule unit of government and, pursuant to the provisions of Article VII, Section 6(a) of the Illinois Constitution, may exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, the City Council of the City of Rolling Meadows has determined that it is advisable, necessary and in the best interest of the City to amend the Code of Ordinances, City of Rolling Meadows, Illinois, regarding the enforcement provisions for taxes due to the City of Rolling Meadows, including the imposition of tax liens and the requirement that taxpayers that fail to pay hotel operator’s taxes, food and beverage taxes and motor fuel taxes due to the City provide the City with a financial responsibility tax bond to secure payment to the City of future taxes.

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

Section 1: Article X, entitled “Enforcement Provisions”, of Chapter 102, entitled “Taxation,” of the Code of Ordinances, City of Rolling Meadows, Illinois, be and is hereby amended to add new sections 102-401 and 102-403, as follows:

Sec. 102-401. - Tax Liens.

Authority to Lien. Following the exhaustion of all applicable procedures set forth in Article VI (Local Tax Rights and Responsibilities) of Chapter 102 of this Code, to secure payment of any final tax determination made by the city’s local tax administrator of any tax, interest or penalty due from a taxpayer, the City shall have a lien upon all the taxpayer’s real and personal property located or found within the City, including all real or personal property acquired after the date on which any final tax determination was issued. The City Manager shall direct the City Attorney to file a complaint in the Circuit Court of Cook County to foreclose the City’s lien against the property of the taxpayer.

Sec. 102-402. - Financial Responsibility Tax Bond.

(a) *Financial Responsibility Bond Required, When.* Following a determination by the local tax administrator regarding a taxpayer’s failure to pay, collect, account for, and pay over

to the City the taxes imposed pursuant to Division 2 of Article II (Hotel Operator's Tax), Article IV (Food and Beverage Tax), and Article VII (Motor Fuel Tax) of Chapter 102 of this Code, the taxpayer shall be required to post a financial responsibility tax bond with the City within 90 days of the local tax administrator's determination and in any event prior to the City's renewal of the business license or privilege to taxpayer. Taxpayer shall be required to maintain the bond continuously in force until December 31 of the following calendar year after this Section 102-402 applied to taxpayer. Failure to post or maintain the bond required by this Section shall be (i) a violation of this Section for each day it persists, punishable by the general penalty provided in Appendix B, I. - General Penalty; and (ii) cause to suspend or revoke any City business license or privilege held by the taxpayer.

- (b) *Form and Amount.* The financial responsibility tax bond shall be filed on a form to be approved by and with a surety or sureties satisfactory to the local tax administrator, conditioned upon taxpayer remitting to the City all monies becoming due together with all penalties and interest thereon together with taxes the local tax administrator reasonably expects the City to receive until December 31 of the following calendar year. The City may alternatively accept a cash deposit (which shall not bear interest) or an irrevocable letter of credit in lieu of a bond, and all references to "bond" shall be deemed references to such security. The local tax administrator shall fix the penalty of such bond in each case, taking into consideration the amount of taxes to be collected in the upcoming license year and the penalty fixed by the city shall be such, as in the opinion of the local tax administrator, will protect the City against failure to pay the tax imposed by the City.
- (c) *Effect Upon Other Proceedings.* The enforcement of the financial responsibility tax bond required by this Section shall be in addition to, and not in substitution of, any other remedy afforded to the City. The enforcement of the financial responsibility tax bond shall not be deemed a valid defense with respect to the City's suspension or revocation of the applicable City business license or privilege.
- (d) *Multiple Acts Triggering Bond Requirement.* If taxpayer shall subsequently fail to collect, account for, and pay over any type of tax due to the City while already required to post a financial responsibility tax bond:
1. The bond requirement of this Section shall extend until December 31 of the following calendar year after taxpayers most recent violation;
 2. The minimum amount of the bond shall be recalculated and in no event shall the minimum required amount of the bond be reduced as a result of such a recalculation or at any time until this Section 102-402 no longer applies to taxpayer; and
 3. If made necessary by operation of this subsection, taxpayer shall be required to provide a new or amended bond within 90 days and in any event prior to the City's renewal of any business license or privilege to taxpayer.

Sec. 102-403. - Terms And Definitions.

Unless otherwise defined in this Article X, the terms used in this Article X shall have the meaning ascribed to them in Article VI (Local Tax Rights and Responsibilities) of Chapter 102 of this Code.

Section 2: All ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of the conflict, expressly repealed on the effective date of this Ordinance.

Section 3: If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

Section 4: This Ordinance shall take effect immediately upon its passage and approval as provided by law.

PASSED by the City Council of Rolling Meadows, Cook County, Illinois this 17th day of December, 2024.

AYES: Boucher, Reyez, Koehler, McHale, Budmats, O'Brien

NAYS: 0

ABSENT: Vinezeano

APPROVED this 17th day of December, 2024.



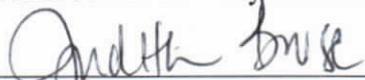
Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 20th day of December, 2024.



Judith Brose, Deputy City Clerk