

ARTICLE X. - LOCAL MOTOR FUEL TAX

Sec. 106-300. - Definitions.

The following words, terms and phrases, when used in this Article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Belvidere, Boone County Illinois.

Department means the Budget Officer or Finance Director of the City of Belvidere or such other City Department or individual as assigned by the Mayor.

Person means any individual, firm, trust, estate, partnership, association, corporation, limited liability company, joint venture, joint stock company, receiver, trustee, conservator, legal representative, or other legally recognized entity.

Retail vehicle fuel dealer means any person who is engaged in the business of selling motor fuel in the City to a purchaser for the purchaser's use or consumption, and not for resale in any form.

Sale, resale, or purchase means any transfer of ownership or title or both, any exchange or any barter, whether conditional or otherwise, in any manner or by any means whatsoever for consideration.

Sale at retail means any sale to a person for that person's use or consumption and not for resale to another.

Vehicle means any machine or device in, upon or by which any person or property is or may be transported or drawn upon a rail, street, road highway or otherwise upon land, in or upon water, or through the air. "Vehicle" includes, but is not limited to, motor vehicles as defined in the Illinois Vehicle Code, automobiles, trucks, buses, trains, motorcycles, boats, and aircraft.

Motor fuel means any volatile and inflammable liquid or gas produced, blended or compounded for the purpose of or which is suitable for operating any combustion engine or a vehicle, or which is used in propelling a vehicle. "Vehicle fuel" includes, but is not limited to, gasoline, gasohol, diesel fuel, ethanol, motor benzol, motor benzene, propane gas fuel, kerosene and "special fuel" as defined in the Illinois Motor Fuel Tax Law, as amended [ILCS Ch. 35, Act 505 § 1.13], and blends thereof.

Sec. 106-301. - Local motor fuel tax imposed.

- (a) A local motor fuel tax is hereby imposed upon the purchase of each gallon of motor fuel, or fraction thereof, sold at retail within the corporate limits of the City, at the rate of two cents (\$00.02) per gallon, effective September 1, 2018. The ultimate incidence of and liability for payment of the tax is to be borne by the retail purchaser of motor fuel. Nothing in this chapter shall be construed to impose a tax upon the occupations of persons engaged in the retail sale of vehicle fuel. It shall be the duty of every retail vehicle fuel dealer to secure the tax from the purchaser at the time the retail vehicle fuel dealer collects the purchase price for the motor fuel and to pay over the tax to the City through the Department.
- (b) In the event motor fuel is dispensed in a unit of measure other than the gallon, the tax shall be imposed at the same ratio to one cent (\$0.01) as the unit is to the gallon. The tax shall be paid in addition to any and all other taxes and charges.
- (c) It shall be presumed that all sales and uses of motor fuel in the City are subject to the local motor fuel tax until the contrary is established, by clear and convincing evidence. The burden of proving that a sale or use is not taxable under this article shall be upon the retail vehicle fuel dealer, purchaser or user so claiming.
- (d) The local motor fuel tax imposed by this article shall not be applicable to the privilege of purchasing or using vehicle fuel when such fuel is purchased or used, as the case may be, by the federal government, or any of its instrumentalities.

Sec. 106-302. - Collection and remittance of local motor fuel tax.

- (a) The local motor fuel tax shall be collected by each retail vehicle fuel dealer, who shall have the duty to collect the local motor fuel tax from the purchaser of the vehicle fuel, and thereafter remit such local motor fuel tax to the City.
- (b) If any retail vehicle fuel dealer fails to collect the local motor fuel tax, such retail vehicle fuel dealer shall remain liable for the local motor fuel tax not collected and shall pay the amount of the local motor fuel tax due to the City in accordance with this Article.
- (c) On the 20th day of each calendar month the retail vehicle fuel dealer shall transmit a report of sale of all vehicle fuel in the previous month, on forms to be created and approved by the Department, together with a sum of money equal to the amount of the local motor fuel tax owing for the applicable month. A retail vehicle fuel dealer may retain 1% of the total sum of motor fuel tax owed for the applicable month as a credit to reimburse the retail vehicle fuel dealer for the time and expense incurred in connection with collecting and remitting the local motor fuel tax.
- (d) Failure by the retail vehicle fuel dealer to file sales and use tax returns with the Illinois Department of Revenue shall not relieve the retail vehicle fuel dealer from the responsibility to pay the local motor fuel tax to the City.
- (e) Late or unpaid payments of the local motor fuel tax shall, in addition to penalties as set forth in this Article or in Section 1-9 of the City of Belvidere Municipal Code, be subject to interest at the rate of 1 ½ percent per month or each fraction thereof. Further, a retail vehicle fuel dealer will not be entitled to the 1 percent credit set forth in subsection (c) above if a payment is late or unpaid.

Sec. 106-303. Registration.

Each retail vehicle fuel dealer shall register as a retail vehicle fuel dealer with the upon forms created and approved by the Department.

Sec. 106-304. - Recordkeeping; inspection of records; audits.

Every retail vehicle fuel dealer shall keep accurate books and records of the retail vehicle fuel dealer's business or activities, including original source documents and books of entry denoting the transactions which have given rise or may have given rise to any tax liability, exemption or deduction. Every retail vehicle fuel dealer shall also keep accurate copies of all documents, including but not limited to motor fuel tax returns, filed with any federal or state agency or department. All documents shall be maintained in the English language.

The Department, or such other person, including but not limited to third party contractors, as the Mayor shall designate, shall have the right to inspect all books, records, and reports of all retail vehicle fuel dealers during the City's regular business hours.

Sec. 106-305. - Penalties.

- (a) In addition to any interest, penalty, lien or other remedy available to the City at law or in equity, any person who violates the provisions of this Article, fails to pay any tax when due or who submits false information to the City concerning the local motor fuel tax, shall be fined not less than \$200.00 plus court costs per offense. Each day, or part thereof, that a violation exists or continues, shall constitute a separate offense.
- (b) Additionally, a violation of any term of this Article shall subject the Retail Fuel Dealer to suspension or revocation of their Business Registration License in accordance with Chapter 26 of the City of Belvidere Municipal Code.