

Chapter 13 LICENSES, BUSINESS REGULATIONS, AND TAXATION*

***Cross references:** Issuance of licenses, § 2-82; advertising, ch. 3; alcoholic beverages, ch. 4; animals and fowl, ch. 5; discrimination and prejudice, ch. 6 1/2; taxation for emergency services and disaster agency, § 7-22; food and food products, ch. 10; taxation for city library, § 12-8; unhealthful businesses, § 14-73; peddlers, ch. 16; public health, ch. 20; railroads, ch. 21; zoning, app. A; subdivisions, app. B.

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ARTICLE I. IN GENERAL

Secs. 13-1--13-10. Reserved.

ARTICLE II. LICENSES

DIVISION 1. GENERALLY

Sec. 13-11. Authority to regulate, supervise, control licensed businesses, etc.

The city shall have the authority to supervise, control and regulate any business, occupation or amusement licensed pursuant to this Code or other city ordinances.

(Code 1970, § 13-11)

State law references: Issuance and revocation of licenses, Ill. Rev. Stat. ch. 24, § 11-60-1.

Sec. 13-12. Required.

It shall be unlawful for any person to engage in or carry on any business, occupation or pursuit for which a license is required by this Code or the ordinances of the city, without first having obtained a license from the city to conduct such business.

(Code 1970, § 13-12)

Sec. 13-13. Application; issuance.

All licenses required by this chapter or city ordinances shall be applied for in writing to the city clerk, unless otherwise provided by ordinance. The city clerk shall issue all such licenses.

(Code 1970, § 13-13)

Sec. 13-14. Term.

All licenses issued pursuant to this chapter shall expire at the end of the fiscal year of the city.

(Code 1970, § 13-14)

Sec. 13-15. To be signed, countersigned, sealed.

Each license issued pursuant to this chapter shall be signed by the mayor, shall be countersigned by the city clerk and shall be sealed with the corporate seal of the city.

(Code 1970, § 13-15)

Sec. 13-16. Display.

Each license issued pursuant to this chapter shall be kept posted in a conspicuous place in the place of business of the licensee.

(Code 1970, § 13-16)

Sec. 13-17. Transfer, assignment of license prohibited.

No license issued pursuant to this chapter shall be transferable or assignable.

(Code 1970, § 13-17)

Sec. 13-18. Revocation; grounds.

All licenses issued by the city pursuant to this chapter shall at all times be subject to revocation by the mayor and city council for the violation of any law or ordinance, or of any condition contained in the license, or for any reasonable and sufficient cause.

(Code 1970, § 13-18)

Sec. 13-19. Notice of revocation; when notice effective.

If any license issued pursuant to this chapter is revoked, the city clerk shall serve a written notice of revocation upon the licensee. Immediately upon service of such notice, the license shall be deemed to be revoked.

(Code 1970, § 13-19)

Sec. 13-20. Return of fee upon revocation.

No license fee shall be returned when any license issued by the city is revoked.

(Code 1970, § 13-20)

Sec. 13-21. Fees.

All license fees required by this chapter, or this Code, shall be paid in full before any license shall be issued. Payment shall be made to the city clerk. The following fees shall be paid annually by the persons securing such licenses:

- (1) BILLIARD, POOL TABLES FOR HIRE:
 - First table . . . \$20.00
 - Each additional table . . . 10.00
- (2) BOWLING ALLEYS:
 - First alley . . . 20.00
 - Second alley . . . 10.00
 - Each additional alley . . . 5.00
- (3) THEATERS: MOTION PICTURE, DRAMATIC . . . 12.00
- (4) COIN-OPERATED VIDEO AMUSEMENT MACHINES and COIN-OPERATED PINBALL MACHINES . . . 20.00

(Code 1970, § 13-21; Ord. No. 90-7-2, § 1, 7-17-90; Ord. No. 96-12, 6-4-96; Ord. No. 97-02, 2-4-97)

Secs. 13-22--13-26. Reserved.

DIVISION 2. BILLIARD HALLS, POOLROOMS, BOWLING ALLEYS

Sec. 13-27. License required.

It shall be unlawful for any person to keep, use, permit or allow any billiard, pool tables or pin alleys and ball alleys, coin-operated video amusement machines and coin-operated pinball machines, or any other tables or implements kept or used for a similar purpose, in any public place within the city without first having obtained a city license.

(Code 1970, § 13-27; Ord. No. 90-7-2, § 2, 7-17-90)

Sec. 13-28. Minors not to play.

No proprietor, owner or keeper of any place where the games set forth in section 13-27 are permitted or played shall knowingly allow or permit any minor under the age of 18 years to

play at such game or games without the consent of such minor's parent or guardian; provided further, that no person under the age of 17 years shall be permitted to play at such game or games at any times and hours other than the hours specified by the curfew laws of the state.

(Code 1970, § 13-28; Ord. No. 90-7-2, § 3, 7-17-90)

Sec. 13-29. Hours of business.

Any business licensed pursuant to section 13-27 shall observe the following hours of operation unless another license issued by the city provides more extensive hours of operation:

6:00 a.m. to 12:00 a.m. (midnight), seven days a week; provided, however, that the city council may modify the hours of operation of any licensed business participating in a special community event.

(Ord. No. 90-7-2, § 4, 7-17-90; Ord. No. 93-7, § 1, 5-4-93; Ord. No. 96-12, 6-4-96; Ord. No. 97-02, 2-4-97; Ord. No. 2000-2, 2-1-00)

DIVISION 3. RAFFLES

Sec. 13-30. Definitions.

Business means a voluntary organization composed of individuals and businesses who have joined together to advance the commercial, financial, industrial and civic interests of a community.

Charitable means an organization or institution organized and operated to benefit an indefinite number of the public. The service rendered to those eligible for benefits must also confer some benefit on the public.

Educational means an organization or institution organized and operated to provide systematic instruction in useful branches of learning by methods common to schools and institutions of learning which compare favorably in their scope and intensity with the course of study presented in tax-supported schools.

Fraternal means an organization of persons having a common interest, the primary interest of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to lessen the burdens of government by caring for those that otherwise would be cared for by the government.

Labor means an organization composed of workers organized with the objective of betterment of the conditions of those engaged in such pursuit and the development of a higher degree of efficiency in their respective occupations.

Net proceeds means the gross receipts from the conduct of raffles, less reasonable sums expended for prizes, local license fees and other reasonable operating expenses incurred as a result of operating a raffle.

Nonprofit means an organization or institution organized and conducted on a not-for-profit basis with no personal profit inuring to anyone as a result of the operation.

Raffle means a form of lottery, as defined in subsection 28-2(b) of the Criminal Code of 1961, conducted by an organization licensed under this Act, in which:

- (1) The player pays or agrees to pay something of value for a chance, represented and differentiated by a number or by a combination of numbers or by some other medium, one or more of which chances is to be designated the winning chance;
- (2) The winning chance is to be determined through a drawing or by some other method based on an element of chance by an act or set of acts on the part of persons conducting or connected with the lottery, except that the winning chance shall not be determined by the outcome of a publicly exhibited sporting contest.

Religious means any church, congregation, society, or organization founded for the purpose of religious worship.

Veterans means an organization or association comprised of members of which substantially all are individuals who are veterans or spouses, widows, or widowers of veterans, the primary purpose of which is to promote the welfare of its members and to provide assistance to the general public in such a way as to confer a public benefit.

(Ord. No. 96-7, § 1, 4-2-96)

Sec. 13-31. Raffles.

No person, firm, corporation or organization of any kind may conduct raffles or chance, within the city, without first having obtained a license therefor pursuant to this division.

(Ord. No. 96-7, § 2, 4-2-96)

Sec. 13-32. Raffle licenses.

- (a) A license may be obtained to conduct a raffle within the borders of the city from the city clerk upon the submission of an application, in form described in subparagraph (d), by a person, firm, corporation or organization eligible pursuant to section 13-33 hereof, in form and content acceptable to the city clerk and the payment of \$5.00 fee per raffle to the city clerk.
- (b) Licenses issued by the city clerk pursuant to the division shall be valid for one raffle or for a specified number of raffles to be conducted during a specified period not to exceed one year. If the license issued hereunder does not indicate the duration of its effectiveness, the license shall be presumed to be valid for one raffle.
- (c) Licenses issued by the city clerk may be suspended or revoked by the city council for any violation of this division or the Raffles Act (230 ILCS 15/0.01 et seq.).
- (d) The application required to be submitted pursuant to subsection (a) hereof shall be in the form attached to Ordinance No. 96-7 as Exhibit A and made a part of this division by reference.

(Ord. No. 96-7, § 3, 4-2-96)

Sec. 13-33. Eligible persons, firms, corporations or organizations.

- (a) Licenses shall be issued only to bona fide religious, charitable, labor, business, fraternal, educational or veterans' organizations that operate without profit to their members and which have been in existence continuously for a period of five years immediately before making application for a license and which have had during that entire five-year period a bona fide membership engaged in carrying out their objects, or to a nonprofit fundraising organization that the licensing authority determines is organized for the sole purpose of providing financial assistance to an identified individual or group of individuals suffering extreme financial hardship as the result of an illness, disability, accident or disaster.
- (b) The following are ineligible for any license under this Act:
 - (1) Any person who has been convicted of a felony;
 - (2) Any person who is or has been a professional gambler or gambling promoter;
 - (3) Any person who is not of good moral character;
 - (4) Any firm or corporation in which a person defined in subsection (1), (2) or (3) has a proprietary, equitable or credit interest, or in which such a person is active or employed;
 - (5) Any organization in which a person defined in subsection (1), (2) or (3) is an officer, director, or employee, whether compensated or not.

(Ord. No. 96-7, § 4, 4-2-96)

Sec. 13-34. Conduct of raffles.

The conducting of raffles within the city borders is subject to the following restrictions:

- (a) The entire net proceeds of any raffle must be exclusively devoted to the lawful purposes of the organization permitted to conduct that game.
- (b) No person except a bona fide member of the sponsoring organization may participate in the management or operation of the raffle.
- (c) No person may receive any remuneration or profit for participating in the management or operation of the raffle.
- (d) A licensee may rent a premises on which to determine the winning chance or chances in a raffle only from an organization which is also licensed under this Act.
- (e) Raffle chances may be sold or issued only within the area specified on the license and winning chances may be determined only at those locations specified on the license.
- (f) A person under the age of 18 years may participate in the conducting of raffles or chances only with the permission of a parent or guardian. A person under the age of 18 years may be within the area where winning chances are being

determined only when accompanied by his parent or guardian.

(Ord. No. 96-7, § 5, 4-2-96)

Sec. 13-35. Manager; bond.

All operation of and the conduct of raffles shall be under the supervision of a single raffles manager designated by the organization. The manager shall give a fidelity bond in an amount determined by the city council in favor of the organization conditioned upon his honesty in the performance of his duties. Terms of the bond shall provide that notice shall be given in writing to the city council not less than 30 days prior to its cancellation. The city council may waive this bond requirement by including a waiver provision in the license issued to an organization under this Act, provided that a license containing such waiver provision shall be granted only by unanimous vote of the organization.

(Ord. No. 96-7, § 6, 4-2-96)

Sec. 13-36. Records.

- (a) Each organization licensed to conduct raffles and chances shall keep records of its gross receipts, expenses and net proceeds for each single gathering or occasion at which winning chances are determined. All deductions from gross receipts for each single gathering or occasion shall be documented with receipts or other records indicating the amount, a description of the purchased item or service or other reason for the deduction, and the recipient. The distribution of net proceeds shall be itemized as to payee, purpose, amount and date of payment.
- (b) Gross receipts from the operation of raffles programs shall be segregated from other revenues of the organization, including bingo gross receipts, if bingo games are also conducted by the same nonprofit organization pursuant to license therefor issued by the department of revenue of the state, and placed in a separate account. Each organization shall have separate records of its raffles. The person who accounts for gross receipts, expenses and net proceeds from the operation of raffles shall not be the same person who accounts for other revenues of the organization.
- (c) Each organization licensed to conduct raffles shall report promptly after the conclusion of each raffle to its membership, and to the licensing local unit of government, its gross receipts, expenses and net proceeds from raffles, and the distribution of net proceeds itemized as required in the section.
- (d) Records required by this section shall be preserved for three years, and organizations shall make available their records relating to operation of raffles for public inspection at reasonable times and places.

(Ord. No. 96-7, § 7, 4-2-96)

Sec. 13-37. Penalty.

Violation of any provision of this division or the Raffles Act is a class C misdemeanor.

(Ord. No. 96-7, § 8, 4-2-96)

Sec. 13-38. Duties of city clerk.

It shall be the duty of the city clerk to:

- (a) Determine that all fees herein provided or otherwise provided by law to be paid are properly accounted for to the city treasurer.
- (b) Issue the license provided for in section 13-31 hereof upon receipt by the city clerk of the application described in section 13-32(d) in form and substance acceptable to the city clerk.

(Ord. No. 96-7, § 9, 4-2-96)

ARTICLE III. RETAILERS' OCCUPATION TAX

Sec. 13-39. Imposed.

A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail in this city at the rate of one percent of the gross receipts from such sales made in the course of such business, in accordance with the provisions of section 8-11-1 of the Illinois Municipal Code (Ill. Rev. Stat. ch. 24, § 8-11-1).

(Code 1970, § 13-39)

Sec. 13-40. Report required.

Every such person engaged in such business in the city shall file, on or before the 20th day of each calendar month, the report to the state department of revenue required by section 3 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. ch. 120, § 440 et seq.).

(Code 1970, § 13-40)

Sec. 13-41. Payment.

At the time the report required by section 13-40 is filed, there shall be paid to the state department of revenue the amount of tax hereby imposed on account of the receipts from sales of tangible personal property during the preceding month.

(Code 1970, § 13-41)

Sec. 13-42. Exclusion inapplicable.

Exclusion a-1 contained in section 2 of the Retailers' Occupation Tax Act (Ill. Rev. Stat. ch. 120, § 441), as amended, shall not apply to persons engaged in the business of selling tangible personal property at retail within the city.

(Ord. No. 80-10-1, § 1, 10-21-80)

Secs. 13-43--13-51. Reserved.

ARTICLE IV. SERVICE OCCUPATION TAX

Sec. 13-52. Imposed.

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service at the rate of one percent of the selling price of all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, in accordance with the provisions of section 8-11-5 of the Illinois Municipal Code (Ill. Rev. Stat. ch. 24, § 8-11-5).

(Code 1970, § 13-52)

Sec. 13-53. Report required.

Every supplier or serviceman required to account for municipal service occupation tax for the benefit of this city shall file, on or before the 20th day of each calendar month, the report to the state department of revenue required by section 9 of the Service Occupation Tax Act (Ill. Rev. Stat. ch. 120, § 439.109), as amended.

(Code 1970, § 13-53)

Sec. 13-54. Payment.

At the time the report required by section 13-53 is filed, there shall be paid to the state department of revenue the amount of tax hereby imposed.

(Code 1970, § 13-54)

Sec. 13-55. Exclusion inapplicable.

The farm machinery and equipment exclusion contained in section 3 of the Service Occupation Tax Act (Ill. Rev. Stat. ch. 120, § 439.103-5), as amended, shall not apply to all persons engaged in the business of making sale of service within the city.

(Ord. No. 80-10-1, § 2, 10-21-80)

Secs. 13-56--13-64. Reserved.

ARTICLE V. FOREIGN FIRE INSURANCE COMPANIES TAX*

***Cross references:** Fire prevention and protection, ch. 9.

Sec. 13-65. Compliance with article.

It shall be unlawful for any corporation, company or association not incorporated under the laws of this state to engage in the city in effecting fire insurance, until all requirements of this article have been fully complied with, or to transact any business of fire insurance in the city while in default, by not fully complying with any of the requirements of this article. This section shall not relieve any company, corporation or association from the payment of any risk undertaken in violation of this article.

(Code 1970, § 13-65)

Sec. 13-66. Tax imposed; amount of tax.

Any corporation, company or association not incorporated under the laws of this state, which is engaged in the city in effecting fire insurance shall pay to the city, for the maintenance, use and benefit of the fire department, a sum of money equal in amount to two percent per annum of the gross receipts received for premiums by any and all agents of such corporation, company or association during the year ending on every July 1, for any insurance effected or agreed to be effected in the city or by or with any such corporation, company or association in the city during such year.

(Code 1970, § 13-66)

State law references: Authority of city to impose tax on foreign fire insurance companies, Ill. Rev. Stat. ch. 24, § 11-10-1.

Sec. 13-67. Report of premiums; payment of tax.

Every person acting in the city as agent for or on behalf of any corporation, company or association upon which a tax is imposed by this article, shall, on or before July 15 of each year, render to the city clerk a full, true and just account, verified by his oath, of all premiums which, during the year ending on July 1 preceding such report, shall have been received by him or any other person for him, in behalf of such corporation, company or association. Such agent shall also, at the time of rendering such report, pay to the city the sum of money for which such corporation, company or association represented by him is chargeable by virtue of the provisions of this article.

(Code 1970, § 13-67)

State law references: Similar provisions, Ill. Rev. Stat. ch. 24, § 11-10-1.

Sec. 13-68. Collection of tax by legal action.

The sum of money for which a corporation, company or association is chargeable under this article may be recovered of it or its agents by an action in the name of and for the use of the city, as for money had and received. Nothing in this section shall be held to exempt any person, corporation, company or association from indictment and conviction under the provisions of sections 11-10-1--11-10-3 of the Illinois Municipal Code (Ill. Rev. Stat. ch. 24, §§ 11-10-1--11-10-3).

(Code 1970, § 13-68)

Sec. 13-69. Brokers not to place insurance with delinquent companies.

No insurance broker in the city shall place any insurance with any company, association or corporation which is in default for not reporting or making payments as provided for in this article, until it complies with all the requirements of this article.

(Code 1970, § 13-69)

Secs. 13-70--13-75. Reserved.

ARTICLE VI. LOCALLY IMPOSED AND ADMINISTERED TAX RIGHTS AND RESPONSIBILITIES

Sec. 13-76. Title.

This article shall be known as, and may be cited as the "Locally Imposed and Administered Tax Rights and Responsibility Ordinance."

(Ord. No. 2000-29, § 1, 12-19-00)

Sec. 13-77. Scope.

The provisions of this article shall apply to the city's procedures in connection with all of the city's locally imposed and administered taxes.

(Ord. No. 2000-29, § 2, 12-19-00)

Sec. 13-78. Definitions.

Certain words or terms in this article shall have the meaning ascribed to them as follows:

Act means the "Local Government Taxpayers' Bill of Rights Act of the State of Illinois".

Corporate authorities means the city's mayor and city council.

Local tax administrator. The city's treasurer is charged with the administration and collection of the locally imposed and administered taxes, including staff, employees or agents to the extent they are authorized by the local tax administrator to act in the local tax administrator's stead. The local tax administrator shall have the authority to implement the terms of this article to give full effect to this article. The exercise of such authority by the local tax administrator shall not be inconsistent with this article and the Act.

Locally imposed and administered tax or tax means each tax imposed by the city that is collected or administered by the city not an agency or department of the state. It does not

include any taxes imposed upon real property under the Property Tax Code of the State of Illinois or fees collected by the city other than infrastructure maintenance fees.

Notice means each audit notice, collection notice or other similar notice or communication in connection with each of the city's locally imposed and administered taxes.

Tax ordinance means each ordinance adopted by the city that imposes any locally imposed and administered tax.

Taxpayer means any person required to pay any locally imposed and administered tax and generally includes the person upon whom the legal incidence of such tax is placed and with respect to consumer taxes includes the business or entity required to collect and pay the locally imposed and administered tax to the city.

(Ord. No. 2000-29, § 3, 12-19-00)

Sec. 13-79. Notices.

Unless otherwise provided, whenever notice is required to be given, the notice is to be in writing mailed not less than seven calendar days prior to the day fixed for any applicable hearing, audit or other scheduled act of the local tax administrator. The notice shall be sent by the local tax administrator as follows:

- (1) First class or express mail, or overnight mail, addressed to the persons concerned at the persons' last known address; or
- (2) Personal service or delivery.

(Ord. No. 2000-29, § 4, 12-19-00)

Sec. 13-80. Late payment.

Any notice, payment, remittance or other filing required to be made to the city pursuant to any tax ordinance shall be considered late unless it is (a) physically received by the city on or before the due date; or, (b) received in an envelope or other container displaying a valid, readable U.S. Postmark dated on or before the due date, properly addressed to the city, with adequate postage prepaid.

(Ord. No. 2000-29, § 5, 12-19-00)

Sec. 13-81. Payment.

Any payment or remittance received for a tax period shall be applied in the following order: (1) first to the tax due for the applicable period; (2) second to the interest due for the applicable period; and (3) third to the penalty for the applicable period.

(Ord. No. 2000-29, § 6, 12-19-00)

Sec. 13-82. Certain credits and refunds.

- (a) The city shall not refund or credit any taxes voluntarily paid without written protest at the time of payment in the event that a locally imposed and administered tax is

declared invalidly enacted or unconstitutional by a court of competent jurisdiction. However, a taxpayer shall not be deemed to have paid the tax voluntarily if the taxpayer lacked knowledge of the facts upon which to protest the taxes at the time of payment or if the taxpayer paid the taxes under duress.

- (b) The statute of limitations on a claim for credit or refund shall be four years after the end of the calendar year in which payment in error was made. The city shall not grant a credit or refund of locally imposed and administered taxes, interest, or penalties to a person who has not paid the amounts directly to the city.
- (c) The procedure for claiming a credit or refund of locally imposed and administered taxes, interest or penalties paid in error shall be as follows:
 - (1) The taxpayer shall submit to the local tax administrator in writing a claim for credit or refund together with a statement specifying:
 - a. The name of the locally imposed and administered tax subject to the claim;
 - b. The tax period for the locally imposed and administered tax subject to the claim;
 - c. The date of the tax payment subject to the claim and the cancelled check or receipt for the payment;
 - d. The taxpayer's recalculation, accompanied by an amended or revised tax return, in connection with the claim; and
 - e. A request for either a refund or a credit in connection with the claim to be applied to the amount of tax, interest and penalties overpaid, and, as applicable, related interest on the amount overpaid; provided, however, that there shall be no refund and only a credit given in the event the taxpayer owes any monies to the city.
 - (2) Within ten days of the receipt by the local tax administrator of any claim for a refund or credit, the local tax administrator shall either:
 - a. Grant the claim; or
 - b. Deny the claim, in whole or in part, together with a statement as to the reason for the denial or the partial grant and denial.
 - (3) In the event the local tax administrator grants, in whole or in part, a claim for refund or credit, the amount of the grant for refund or credit shall bear interest at the rate of six percent per annum, based on a year of 365 days and the number of days elapsed, from the date of the overpayment to the date of mailing of a refund check or the grant of a credit.

(Ord. No. 2000-29, § 7, 12-19-00)

Sec. 13-83. Audit procedure.

- (a) Any request for proposed audit pursuant to any local administered tax shall comply with the notice requirements of this article. Each notice of audit shall contain the following

information:

- (1) The tax;
 - (2) The time period of the audit; and
 - (3) A brief description of the books and records to be made available for the auditor.
- (b) Any audit shall be conducted during normal business hours and if the date and time selected by the local tax administrator is not agreeable to the taxpayer, another date and time may be requested by the taxpayer within 30 days after the originally designated audit and during normal business hours.
- (c) The taxpayer may request an extension of time to have an audit conducted. The audit shall be conducted not less than seven days nor more than 30 days from the date the notice is given, unless the taxpayer and the local tax administrator agree to some other convenient time. In the event taxpayer is unable to comply with the audit on the date in question, the taxpayer may request another date within the 30 days, approved in writing, that is convenient to the taxpayer and the local tax administrator.
- (d) Every taxpayer shall keep accurate books and records of the taxpayer's business or activities, including original source documents and books of entry denoting the transactions which had given rise or may have given rise to any tax liability, exemption or deduction. All books shall be kept in the English language and shall be subject to and available for inspection by the city.
- (e) It is the duty and responsibility of every taxpayer to make available its books and records for inspection by the city. If the taxpayer or tax collector fails to provide the documents necessary for audit within the time provided, the local tax administrator may issue a tax determination and assessment based on the tax administrator's determination of the best estimate of the taxpayer's tax liability.
- (f) If an audit determines there has been an overpayment of a locally imposed and administered tax as a result of the audit, written notice of the amount of overpayment shall be given to the taxpayer within 30 days of the city's determination of the amount of overpayment.
- (g) In the event a tax payment was submitted to the incorrect local governmental entity, the local tax administrator shall notify the local governmental entity imposing such tax.

(Ord. No. 2000-29, § 8, 12-19-00)

Sec. 13-84. Appeal.

- (a) The local tax administrator shall send written notice to a taxpayer upon the local tax administrator's issuance of a protestable notice of tax due, a bill, a claim denial, or a notice of claim reduction regarding any tax. The notice shall include the following information:
- (1) The reason for the assessment;
 - (2) The amount of the tax liability proposed;

- (3) The procedure for appealing the assessment; and
 - (4) The obligations of the city during the audit, appeal, refund and collection process.
- (b) A taxpayer who receives written notice from the local tax administrator of a determination of tax due or assessment may file with the local tax administrator a written protest and petition for hearing, setting forth the basis of the taxpayer's request for a hearing. The written protest and petition for hearing must be filed with the local tax administrator within 45 days of receipt of the written notice of the tax determination and assessment.
 - (c) If a timely written notice and petition for hearing is filed, the local tax administrator shall fix the time and place for hearing and shall give written notice to the taxpayer. The hearing shall be scheduled for a date within 14 days of receipt of the written protest and petition for hearing, unless the taxpayer requests a later date convenient to all parties.
 - (d) If a written protest and petition for hearing is not filed within the 45-day period, the tax determination, audit or assessment shall become a final bill due and owing without further notice.
 - (e) Upon the showing of reasonable cause by the taxpayer and the full payment of the contested tax liability along with interest accrued as of the due date of the tax, the local tax administrator may reopen or extend the time for filing a written protest and petition for hearing. In no event shall the time for filing a written protest and petition for hearing be reopened or extended for more than 90 days after the expiration of the 45-day period.

(Ord. No. 2000-29, § 9, 12-19-00)

Sec. 13-85. Hearing.

- (a) Whenever a taxpayer or a tax collector has filed a timely written protest and petition for hearing under section 13-84, the local tax administrator shall conduct a hearing regarding any appeal.
- (b) No continuances shall be granted except in cases where a continuance is absolutely necessary to protect the rights of the taxpayer. Lack of preparation shall not be grounds for a continuance. Any continuance granted shall not exceed 14 days.
- (c) At the hearing the local tax administrator shall preside and shall hear testimony and accept any evidence relevant to the tax determination, audit or assessment. The strict rules of evidence applicable to judicial proceedings shall not apply.
- (d) At the conclusion of the hearing, the local tax administrator shall make a written determination on the basis of the evidence presented at the hearing. The taxpayer or tax collector shall be provided with a copy of the written decision.

(Ord. No. 2000-29, § 10, 12-19-00)

Sec. 13-86. Interest and penalties.

In the event a determination has been made that a tax is due and owing, through audit, assessment or other bill sent, the tax must be paid within the time frame otherwise indicated.

- (1) *Interest.* The city hereby provides for the amount of interest to be assessed on a late payment, underpayment, or nonpayment of the tax, to be nine percent per annum, based on a year of 365 days and the number of days elapsed.
- (2) *Late filing and payment penalties.* If a tax return is not filed within the time and manner provided by the controlling tax ordinance, a late filing penalty, of five percent of the amount of tax required to be shown as due on a return shall be imposed and a late payment penalty of five percent of the tax due shall be imposed. If no return is filed within the time or manner provided by the controlling tax ordinance and prior to the City issuing a notice of tax delinquency or notice of tax liability, then a failure to file penalty shall be assessed equal to 25 percent of the total tax due for the applicable reporting period for which the return was required to be filed. A late filing or payment penalty shall not apply if a failure to file penalty is imposed by the controlling ordinance.

(Ord. No. 2000-29, § 11, 12-19-00)

Sec. 13-87. Abatement.

The local tax administrator shall have the authority to waive or abate any late filing penalty, late payment penalty or failure to file penalty if the local tax administrator shall determine reasonable cause exists for delay or failure to make a filing.

(Ord. No. 2000-29, § 12, 12-19-00)

Sec. 13-88. Installment contracts.

The city may enter into an installment contract with the taxpayer for the payment of taxes under the controlling tax ordinance. The local tax administrator may not cancel any installment contract so entered unless the taxpayer fails to pay any amount due and owing. Upon written notice by the local tax administrator that the payment is 30 days delinquent, the taxpayer shall have 14 working days to cure any delinquency. If the taxpayer fails to cure the delinquency within the 14-day period or fails to demonstrate good faith in restructuring the installment contract with the local administrator, the installment contract shall be canceled without further notice to the taxpayer.

(Ord. No. 2000-29, § 13, 12-19-00)

Sec. 13-89. Statute of limitations.

- (a) The city, through the local tax administrator, shall review all tax returns in a prompt and timely manner and inform taxpayers of any amounts due and owing. The taxpayer shall have 45 days after receiving notice of the reviewed tax returns to make any request for refund or provide any tax still due and owing.

- (b) No determination of tax due and owing may be issued more than four years after the end of the calendar year for which the return for the applicable period was filed or for the calendar year in which the return for the applicable period was due, whichever occurs later.
- (c) If any tax return is not filed or if during any four-year period for which a notice of tax determination or assessment may be issued by the city, the tax paid was less than 75 percent of the tax due, the statute of limitations shall be six years from the end of the calendar year in which return for the applicable period was due or end of the calendar year in which the return for the applicable period was filed.
- (d) No statute of limitations shall apply if a fraudulent tax return was filed by the taxpayer.

(Ord. No. 2000-29, § 14, 12-19-00)

Sec. 13-90. Voluntary disclosure.

For any locally imposed and administered tax for which a taxpayer has not received a written notice of an audit, investigation, or assessment from the local tax administrator, a taxpayer is entitled to file an application with the local tax administrator for a voluntary disclosure of the tax due. A taxpayer filing a voluntary disclosure application must agree to pay the amount of tax due, along with interest of one percent per month, for all periods prior to the filing of the application but not more than four years before the date of filing the application. A taxpayer filing a valid voluntary disclosure application may not be liable for any additional tax, interest, or penalty for any period before the date the application was filed. However, if the taxpayer incorrectly determined and underpaid the amount of tax due, the taxpayer is liable for the underpaid tax along with applicable interest on the underpaid tax, unless the underpayment was the result of fraud on the part of the taxpayer, in which case the application shall be deemed invalid and void. The payment of tax and interest must be made by no later than 90 days after the filing of the voluntary disclosure application or the date agreed to by the local tax administrator. However, any additional amounts owed as a result of an underpayment of tax and interest previously paid under this section must be paid within 90 days after a final determination and the exhaustion of all appeals of the additional amount owed or the date agreed to by the local tax administrator, whichever is longer.

(Ord. No. 2000-29, § 15, 12-19-00)

Sec. 13-91. Publication of tax ordinances.

Any locally administered tax ordinance shall be published according to law. The posting of a tax ordinance on the Internet shall satisfy the publication requirements. Copies of all tax ordinances shall be made available to the public upon request at the city clerk's office.

(Ord. No. 2000-29, § 16, 12-19-00)

Sec. 13-92. Internal review procedure.

The local tax administrator shall establish an internal review procedure regarding any liens filed against any taxpayers for unpaid taxes. Upon a determination by the local tax administrator that the lien is valid, the lien shall remain in full force and effect. If the lien is

determined to be improper, the local tax administrator shall:

- (1) Timely remove the lien at the city's expense;
- (2) Correct the taxpayer's credit record; and
- (3) Correct any public disclosure of the improperly imposed lien.

(Ord. No. 2000-29, § 17, 12-19-00)

Sec. 13-93. Application.

This article shall be liberally construed and administered to supplement all of the city's tax ordinances. To the extent that any tax ordinance is in conflict with or inconsistent with this article, this article shall be controlling.

(Ord. No. 2000-29, § 18, 12-19-00)