



City Council
COMMITTEE OF THE WHOLE
City of Belvidere, Illinois

Alderman Clinton Morris, 1st Ward

Alderman Daniel Snow 2nd Ward

Co-Chairman, City/County Coordinating

Alderman Thomas Ratcliffe, 3rd Ward

Chairman, Finance and Personnel

Vice Chairman Building, Planning and Zoning

Alderman George Crawford, 4th Ward

Chairman, Public Safety

Alderman John Sanders, 5th Ward

Chairman Building, Planning and Zoning

Alderman Clayton Stevens, 1st Ward

Vice Co-Chairman, City/County Coordinating

Alderman Daniel Arevalo, 2nd Ward

Vice Chairman, Public Safety

Alderman Wendy Frank, 3rd Ward

Vice Chairman, Finance and Personnel

Alderman Ronald Brooks, 4th Ward

Chairman Public Works

Alderman Mark Sanderson, 5th Ward

Vice Chairman, Public Works

AGENDA

March 28, 2016

6:00 p.m.

City Council Chambers

401 Whitney Boulevard

Belvidere, Illinois

Call to Order – Mayor Mike Chamberlain:

Roll Call: Present: Absent:

Public Comment:

Public Forum:

Reports of Officers, Boards, and Special Committees:

1. Public Safety, Unfinished Business: None.

2. Public Safety, New Business:

(A) Donation to the Belvidere Police Department's Community Policing Program.

(B) Donation to the Belvidere Fire Department TEMS.

3. Finance & Personnel, Unfinished Business: None.

4. Finance & Personnel, New Business: None.

5. Other:

(A) New Refuse Hauler – Prairie Land Recycling and Disposal Services.

(B) Primary Digester Cleaning Proposals – WWTP.

(C) 2016 Tree Program Bid Tabulation.

(D) 2016 Mowing Program Bid Tabulation.

(E) 2016 Sidewalk Replacement Program.

(F) Ordinance Dissolving the Special Tax Allocation Fund and Terminating the Designation of the Downtown Tax Increment Redevelopment Area as a Redevelopment Project Area.

(G) Ordinance Repealing Sections 46-51, 66-40 and 2-154 of the City of Belvidere Municipal Cod (Incorrect Residency Requirements in Municipal Code).

(H) Solicitation Ordinance.

(I) Utility Tax.

6. Adjournment:

Belvidere Police Department

Jan W. Noble - Chief of Police

Tony Martin - Deputy Chief, Administration

Shane Woody - Deputy Chief, Operations



615 N. Main Street • Belvidere, IL 61008 • Phone 815-544-9626 • Fax 815-544-9603 • www.ci.belvidere.il.us

TO: MAYOR CHAMBERLAIN AND CITY COUNCIL

FROM: CHIEF JAN W. NOBLE *JWN*

DATE: FEBRUARY 25, 2016

RE: NOTICE OF DONATION

Please be advised that the Belvidere Police Department is in receipt of a donation of \$250.00. This donation was given by Heidi Laplume as a gesture of gratitude for a medically related message that was delivered to her by one of our Officers. Ms. Laplume stated that this was a life-saving message.

The Department would like to use this donation towards the purchase of supplies for our Community Policing Programs.

Motion: To accept Ms. Laplume's donation of \$250.00 for the purchase of supplies to promote the Belvidere Police Department's Community Policing Programs.

JWN/sd

TO: Mayor Chamberlain and City Council

FR: Fire Chief Hyser

RE: General Mills Donation

DT: March 23, 2016

The Belvidere Fire Department would like to accept a \$5,000 grant from General Mills. The grant is to be used in Public Safety specifically for the TEMS (Tactical Emergency Medical System) Team.

This grant will be used to outfit team members in ballistic gear for our firefighters who respond to critical incidents with our local law enforcement.



City of Belvidere • Illinois

City Hall: 401 Whitney Blvd.
 Belvidere, Illinois 61008-3710
 (815) 544-2612 • Fax (815) 544-3060

REFUSE HAULER APPLICATION

Legal Corporate Name of Business Prairieland Disposal Inc.	Trade Name (DBA)		Business Telephone Number (847) 381-9300
Business Address/Location 1517 N. Route 47	City Woodstock	State IL	Zipcode 60098
Mailing Address (if different than business address) 21N988 Pepper Road	City Lake Barrington	State IL	Zipcode 60010
Name of Person Filling out Application Steve Schweinsberg	Title President		Telephone Number (847) 343-8059
E-mail Address steve@prairielanddisposal.com			
Type of Ownership <input type="checkbox"/> Sole Proprietor <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> LLC		Date & State of Incorporation 9/2006 Illinois	
Type of Service: <input type="checkbox"/> Commercial & Residential <input checked="" type="checkbox"/> Residential Only <input type="checkbox"/> Commercial Only			
Make/Model		Vehicle License Number	
Freightliner one pass side load <i>Garbage & Recycling</i>		41828R	
<i>11t rear load yard waste</i>			

A certificate of insurance having the amounts as indicated in the City of Belvidere Code for Comprehensive General Liability insurance must be attached.

I have received from the City of Belvidere a copy of the City of Belvidere City Code Article II, Refuse Collectors and Collections and will familiarize myself with the provisions contain within.

I declare that the information I have provided on this application is truthful and I understand that falsification of answers on this application will result in denial of the application.

Applicant Signature

Steve Schweinsberg

Date

3/9/16

3/9/2016



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/9/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Market Financial Ltd 240 Commerce Drive Crystal Lake IL 60014	CONTACT NAME: Laura Barker	
	PHONE (A/C, No, Ext): (815) 459-3300 FAX (A/C, No): (815) 459-3360 E-MAIL ADDRESS: lbarker@marketfinancialgrp.com	
INSURED Prairieland Disposal Service Inc. 21N988 Pepper Road Lake Barrington IL 60010	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Great Divide Ins Co.	
	INSURER B: Rockhill Ins Co	
	INSURER C: ICW Group Insurance Companies	
	INSURER D: Esses Insurance Co.	
	INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 15-16 Master **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:		GLP01519568-15	8/1/2015	8/1/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		BAP1518567-15	8/1/2015	8/1/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist combined \$ 1,000,000
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$		FF01412200	8/1/2015	8/1/2016	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A	WIL5027111-01	7/20/2015	7/20/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
D	Excess Liability		MKLX50LE1026929	8/1/2015	8/1/2016	Limit 4,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER City of Belvidere 401 Whitney Blvd Belvidere, IL 61008	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE James Howard/LBARK

© 1988-2014 ACORD CORPORATION. All rights reserved.

Memo

To: Mayor and City Council
From: Brent Anderson, Director of Public Works
Date: 3/22/2016
Re: Primary Digester Cleaning Proposals - WWTP

As part of the primary digester rehabilitation project, the primary digester has to be emptied and cleaned prior to the contractor beginning the rehab work. WWTP employees will draw down and land apply the majority of the sludge from the digester. However, the heavier solids that settle out over time at the bottom of the digester require special equipment to remove that we do not have. We have received the following proposals to complete this work:

- | | |
|---|-------------|
| 1. Stewart Spreading
3870 N IL Rt 71
Sheridan, IL 60551 | \$39,145.00 |
| 2. Synagro
435 Williams Ct
Baltimore, MD 21220 | \$73,820.00 |

I would recommend approval of the proposal from Stewart Spreading, in the amount of \$39,145.00, to complete the emptying and cleaning of the primary digester at the WWTP. This work will be paid for from the Sewer Equipment Replacement Fund #06-08.

Memo

To: Mayor and City Council
From: Brent Anderson, Director of Public Works
Date: 3/22/2016
Re: 2016 Tree Program Bid Tabulation

Four Bid Sets were sent out and the following bid was received for the 2016 Tree Work Program:

- | | |
|---|--------------|
| 1. Tree Care Enterprises, Inc.
5563 Kilburn Avenue
Rockford, IL 61101 | \$103,000.00 |
|---|--------------|

I would recommend approval of the low bid from Tree Care Enterprises, in the amount of \$103,000.00, for tree work from May 1, 2016 to April 30, 2017 for the City of Belvidere.

The unit prices for this contract are as follows:

	2016	2015	2014
1. Tree Removal (6" to 15" Dia)	\$25.00/In Dia	\$25.00/In Dia	\$25.00/In Dia
2. Tree Removal (Over 15" Dia)	\$44.00/In Dia	\$44.00/In Dia	\$42.00/In Dia
3. Stump Grinding	\$12.00/In Dia	\$12.00/In Dia	\$12.00/In Dia

This work will be paid for from Forestry Funds. The budget for this work is \$100,000.

Memo

To: Mayor and City Council
From: Brent Anderson, Director of Public Works
Date: 3/22/2016
Re: 2016 Mowing Program – Bid Tabulation

The following bids were received for the mowing of Water Department properties, Public Works properties and the Farmington Ponds:

- | | |
|--|--|
| 1. LawnCare by Walter, Inc.
4235 S Perryville Rd
Cherry Valley, IL 61016 | Water: \$355.00 per mowing, \$620 herbicide
Public Works: \$725.00 per mowing, \$1,496 herbicide
Ponds: \$225.00 per mowing, \$748 herbicide |
| 2. Lawn Maintenance Services, Inc.
3344 Garden Prairie Road
Garden Prairie, IL 61038 | Water: \$400.00 per mowing, \$280 herbicide
Public Works: \$400.00 per mowing, \$400 herbicide
Ponds: \$256.00 per mowing, \$200 herbicide |

Based on review of the bids, I would recommend the following:

Approval of the low bid from LawnCare by Walter, in the amount of \$355.00 per mowing, for the mowing of Water Department Sites. This work will be paid from Water Department Line Item #61-5-810-6040.

2015: \$190.00 per mowing
2014: \$300.00 per mowing
2013: \$270.00 per mowing

Approval of the low bid from Lawn Maintenance Services, in the amount of \$400.00 per mowing, for the mowing of the Public Works Sites. This work will be paid from Street Department Line Item #01-5-310-6002.

2015: \$190.00 per mowing
2014: \$340.00 per mowing
2013: \$305.00 per mowing

Approval of the low bid from Lawn Maintenance Services, in the amount of \$256.00 per mowing, for the Farmington Ponds. This work will be paid from the Farmington Pond Maintenance Fund.

2015: \$120.00 per mowing
2014: \$241.00 per mowing
2013: \$226.00 per mowing

Memo

To: Mayor and City Council
From: Brent Anderson, Director of Public Works
Date: 3/22/2016
Re: 2016 Sidewalk Replacement Program

The following bids were received for the City's annual sidewalk replacement program:

Bidder	Amount
1. Randy Baier Construction, Inc P.O. Box 67 Belvidere, IL 61008	\$19,800.00
2. Alliance Contractors Inc. 1166 Lake Avenue Woodstock, IL 60098	\$45,675.00

I would recommend approval of the low bid from Randy Baier Construction, in the amount of \$19,800.00, for the City's annual sidewalk program. The unit prices are \$5.65/sf for removal and replacement of 4" sidewalk and \$5.70/sf for removal and replacement of 6" sidewalk. This work will be paid for from Line Item #01-5-310-6003.

2015 unit prices: \$5.55/sf for 4" and \$5.65/sf for 6"
2014 unit prices: \$5.55/sf for 4" and \$5.65/sf for 6"
2013 unit prices: \$5.40/sf for 4" and \$5.75/sf for 6"

ORDINANCE #293H

AN ORDINANCE DISSOLVING THE SPECIAL TAX ALLOCATION
FUND AND TERMINATING THE DESIGNATION OF THE DOWNTOWN
TAX INCREMENT REDEVELOPMENT AREA AS A REDEVELOPMENT
PROJECT AREA

WHEREAS, the Tax Increment Allocation Redevelopment Act (the Act) allows municipalities to designate Tax Increment Redevelopment Project Areas and adopt Tax Increment Financing; and

WHEREAS, the Corporate Authorities of the City of Belvidere (the Corporate Authorities) adopted Tax Increment Financing for the Downtown Tax Increment Redevelopment Project Area pursuant to Ordinance 596F; and

WHEREAS, the Corporate Authorities, pursuant to Ordinance 595F adopted April 23, 1990, designated the area described in the attached Exhibit A, which is incorporated herein, as the Downtown Tax Increment Redevelopment Project Area on or about April 23, 1990; and

WHEREAS, pursuant to the Act, the Corporate Authorities also created the Special Tax Allocation Fund for the Downtown Tax Increment Redevelopment Project Area; and

WHEREAS, the Tax Increment Finance Act provides that all Tax Increment Redevelopment Project Areas and Tax Increment Financing shall expire after 23 years; and

WHEREAS, the Corporate Authorities have caused all surplus funds in the Special Tax Allocation Fund for the Downtown Tax Increment Redevelopment Project Areas to be paid to the Illinois Department of Revenue, the City of Belvidere and the Boone County Collector, as required by the Act.

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: The Special Tax Allocation Fund for the Downtown Tax Increment Redevelopment Project Area is dissolved as it pertains to the Downtown Tax Increment Redevelopment Project Area. Any other Special Tax Allocation Fund for any other Tax Increment Redevelopment Project Area shall not be affected by this action.

SECTION 2: The designation of the Downtown Tax Increment Redevelopment Project Area as a tax increment redevelopment project area (accomplished by Ordinance 595F) is hereby terminated in accordance with Section 74.4-8 of the Act (65 ILCS 5/11-74.4-8).

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Voting Aye:
Voting Nay:
Abstain:
Absent:

APPROVED:

Mayor Michael Chamberlain

ATTEST: _____
City Clerk Shauna Arco

(SEAL)

Passed:
Approved:
Published:

EXHIBIT A

LEGAL DESCRIPTION OF LAND

Part of Block One (1) of National Subdivision being a Subdivision in the Southeast Quarter of Section 26 and the Southwest Quarter of Section 25, Township 44 North, Range 3 East of the Third Principal Meridian, the Plat of which Subdivision is recorded in Book 2 of Plats on page 42 in the Recorder's Office of Boone County, Illinois, bounded and described as follows, to-wit: Beginning at a point in the Northeastery right of way line of South State Street, as laid out and designated upon said Plat, which point bears North 45 degrees, 0 minutes and 0 seconds West 199.0 feet from the most Southerly corner of said Block 1; thence North 45 degrees, 0 minutes and 0 seconds West, along said Northeastery right of way line of South State Street 99.84 feet to the Southeastery line of Lot 11 of A.D. Turner's Subdivision of Block Eighteen (18) in Joel Walker's Second Addition to Belvidere; thence North 44 degrees, 58 minutes, 54 seconds East, along said Southeastery line 100.0 feet to the most Easterly corner of said Lot 11; thence North 45 degrees, 0 minutes, 0 seconds West along the northeastery lines of Lots 11 and 12 of said A.D. Turner's Subdivision, 145.0 feet more or less to the Southeastery bank of Kishwaukee River; thence Northeastery, along the said Southeastery bank of Kishwaukee River to the Southwesterly right of way line of South Main Street as designated upon said Plat of National Subdivision; thence South 45 degrees, 0 minutes, 0 seconds East, along said Southwesterly right of way line of South Main Street 445.0 feet more or less to a point which is 66.0 feet perpendicularly distant Northwesterly of the Southeastery right of way line of Meadow Street as designated upon said Plat of National Subdivision; thence South 44 degrees, 58 minutes, 54 seconds West, parallel with said Southeastery line of Meadows Street 288.76 feet; thence North 45 degrees, 0 minutes, 0 seconds West, parallel with the said Northeastery right of way line of South State Street 199.0 feet; thence South 44 degrees, 58 minutes, 54 seconds West, parallel with the Northwesterly right of way line of Meadow Street, 287.76 feet to the point of beginning, situated in the County of Boone and State of Illinois.

Memo

To: Mayor and City Council
From: Mike Drella
cc: Shauna Arco, Dept. Heads
Date: March 22, 2016
Re: Incorrect Residency Requirements In Municipal Code

From time to time, I run across inconsistencies within the City's Municipal Code. As you know, the City maintains residency requirements for its employees requiring them to reside within a certain distance of the City. These restrictions are bargained as part of the collective bargaining process which has resulted in some differences between the various employee groups. The Council also inserted a provision within the Personnel Manual requiring non-union employees to reside within 18 miles of City Hall.

Unfortunately, at some point in the City's history, the City codified the then existing residency requirements in Sections 2-154, 46-51 and 2-154 of the City of Belvidere Municipal Code. These provisions were not modified when the residency requirements were changes as part of the collective bargaining process creating an inconsistency between the City's Municipal Code and the collective bargaining agreements.

I recommend removing the residency requirements from the Municipal Code at this time. This will not change the actual residency requirements that the various employees must comply with as the collective bargaining agreements and the personnel code remain unchanged. It simply removes no longer enforceable provisions from the Municipal Code.

ORDINANCE #
AN ORDINANCE REPEALING SECTIONS
46-51, 66-40 AND 2-154
OF THE CITY OF BELVIDERE MUNICIPAL CODE

WHEREAS, Sections 46-51, and 2-154 all establish residency requirements for various City of Belvidere employees, requiring such employees to reside within 18 miles and Section 66-40 requires members of the Police Department to reside within 13 miles of the Public Safety Building; and

WHEREAS, most sworn members of the Fire and Police Departments are subject to collective bargaining agreements which contain residency requirements different than those contained within the Belvidere Municipal Code; and

WHEREAS, the collective bargaining agreement with the International Union of Operating Engineers, representing Public Works employees, also contains a residency restriction; and

WHEREAS, the City Council has adopted a Personnel Manual which contains a residency requirement which is different than section 2-154 of the Belvidere Municipal Code; and

NOW, THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Belvidere, Boone County, Illinois, as follows:

SECTION 1: Sections 2-154, 46-51 and 66-40 of the City of Belvidere Municipal Code are hereby repealed and reserved.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law which publication is hereby authorized.

Voting Aye:

Voting Nay:

Absent:

Memo

To: Mayor and City Council
From: Mike Drella
CC: City Clerk
Date: 3/3/2016
Re: Solicitation Ordinance

Previously the Committee of the Whole directed me to modify our ordinances regulating solicitation to include a provision that makes it a nuisance that may be prosecuted for a commercial canvasser to solicit at a home displaying a no-solicitation sign. This was after the Council wished clarification on the ability to further restrict hours of commercial canvassing. Apparently I was too focused on the later research and did not peruse our code with enough care.

In 2004, the City Council adopted Ordinance 660G which already gives "no solicitors invited" signs the force of law. I do recommend amending that provision to reflect the attached changes.

I apologize for not bringing the existence of this ordinance to your attention earlier.

Sec. 78-110. - Notice prohibiting solicitation.

- (a) Every person wishing to prohibit solicitation and commercial canvas merchandising shall comply with the following directions:

A sign or card, no less than three inches by four inches in size shall be exhibited in a manner that is clearly visible at or near the main entrance to the building containing at a minimum the following words: "NO SOLICITORS" or "NO SOLICITATION" ~~INVITED~~.

- (b) A sign or card so exhibited shall constitute sufficient notice to any solicitor or person engaged in commercial canvas merchandising that the occupant(s) of the building prohibit uninvited solicitation or commercial canvas merchandising.
- (c) If a building contains the sign "NO SOLICITORS" or "NO SOLICITATION" ~~INVITED~~," regardless of whether the sign complies with subsection (a) above, all solicitors and/or persons engaging in commercial canvass merchandising shall immediately and peacefully depart the premises without making contact with the occupants thereof.
- (d) It is unlawful and shall constitute a nuisance for any person to go upon any premises and/or ring the door bell upon or near any door, or create any sound in any other manner which is commonly intended to attract the attention of the occupant of said building, for the purpose of securing an audience with the occupant and engage in solicitation or commercial canvass merchandising in defiance of a notice exhibited in accordance with this section. The minimum fine for a violation of this section shall be no less than \$200.00 plus costs. In lieu thereof, the Court may assess not less than twenty (20) hours of community public service work.

March 24, 2016

To: Mayor Chamberlain and Aldermen

From: Becky Tobin, Budget/Finance Officer

Re: Utility Tax


Dear Mayor and Aldermen:

The utility tax has brought in about \$30,000,000 in revenue from its inception in 2000 through our FY2015. There was another \$2,000,000 in other revenue sources deposited into the fund over the years as well (for a total of about \$32,000,000). The City has spent about \$20,829,800 on road improvement projects from the utility taxes. In FY2010 the City started using some of the utility tax revenue for salaries in the General Fund due to the Great Recession and the revenue shortfall in the General Fund (Ordinance 59H). From FY2010- FY2015 the City spent about \$6,250,000 of the utility tax revenues on salaries (police, fire, public works). The remaining revenue is in the General Fund reserves. The reserves are extremely important in the volatile financial environment that we have been experiencing over the last 8 years. The condition of the State of Illinois economy makes the City General Fund reserves even more important right now.

Without the Utility Tax revenue the City would need to look at raising property taxes, creating a Home Rule Sales Tax, and layoff employees to make up the \$1.2 -1.4 million dollar shortfall. We are obligated to pay almost \$2,000,000 annually for Police and Fire Pensions alone and this number is only increasing. The local economy is showing some signs of improvement but our revenues are nowhere near what they were before the Recession and it is unclear at this time if they will ever fully recover.

The FY2017 budget has the City spending up to 1.9 million dollars of the reserves on road projects. The remaining road project funding is in the Capital Fund and has been allocated to the Columbia Ave. project over the last few years from the General Fund. I am comfortable spending the amount of reserves that we have budgeted in FY17 for road improvements but I feel it is important to keep the utility tax reserves and future revenue in the General Fund at this time.

MEMO

FROM: Alderman Sanderson 
5th Ward, City of Belvidere

TO: Mayor/City Council

DATE: March 21, 2016

RE: Motion re: Utility Tax Clarity/City Budget

Motion to restore the Utility Tax as first promised and passed initially on its first inception.

CLARIFICATION & HISTORY: The original intent of the Utility Tax funds were to replace special road assessments, be in a separate fund, and to be used for major road construction, which included upgrades to utilities of the streets being reconstructed. Other use of Utility Tax funds, outside the scope of roads, should only be used for emergencies, if passed by a super majority of the City Council.

Now that there is video gaming added to the budget and Chrysler is not shut down, it is time to honor original commitments made to the taxpayers and renew the original commitment to our taxpayers.

Ordinance #59H
AN ORDINANCE AMENDING SECTION
106-191 OF THE CITY OF BELVIDERE MUNICIPAL CODE

WHEREAS, the City of Belvidere created the City-Wide Street Reconstruction Special Account (the Special Account) pursuant to Ordinance 353G for the purpose of funding street reconstruction projects in the City; and

WHEREAS, it has been, and continues to be, the intent of the Corporate authorities to utilize the funds in that account solely for street reconstruction purposes; and

WHEREAS, at the time Ordinance 353G was enacted, the Corporate Authorities realized that exigent circumstances may arise where the funds within the Special Account would be needed for other than street reconstruction purposes and, therefore, built a provision in the Ordinance allowing for such utilization; and

WHEREAS, the City of Belvidere today faces such circumstances due to the declining economy, the failure of the State of Illinois to adequately and timely fund local government by decreasing funding, delaying funding and placing unfunded mandates on local government, such as ever escalating pension costs, inspection costs and other obligations and fees; and

WHEREAS, Ordinance 353G made it virtually impossible to obtain the requisite super-majority approval to utilize the Special Account for other than street reconstruction purposes by requiring a three-quarters approval of the Corporate Authorities, thus allowing any three aldermen to block its use; and

WHEREAS, if the City does not utilize the Special Account to assist in funding the Fiscal Year 2011 budget, it will be forced to reduce its labor force to an extent that it will not be able to adequately render services to the public, will be forced to spend down virtually all of its cash reserves, and will be forced to undertake drastic reductions in force in the public safety sectors in Fiscal Year 2012; and

WHEREAS, Ordinance 353G, as amended, was simply enacted pursuant to the required majority vote of the aldermen then holding office similar to most ordinances and, therefore, can be amended or repealed by a simple majority vote.

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

SECTION 1: The foregoing recitals are incorporated herein by reference.

SECTION 2: Section 106-191 of the City of Belvidere Municipal Code is amended to read as follows:

Sec. 106-191. **Purpose of tax.**

(a) Monies collected pursuant to this tax shall be deposited into the general fund.

SECTION 3: Any funds currently within the City-Wide Street Reconstruction Special Fund Account are hereby transferred to the General Fund.

SECTION 4: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 5: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6: This Ordinance shall be in full force and effect from, and after its passage and publication, as required by law, which publication is hereby authorized.

Voting Aye: Racz, Schultz, Bowley, Chamberlain, Crawford, Fabish and Marks.

Voting Nay: Morris, Pendzinski and Sanderson.

Absent: None


Abstain: None

APPROVED:



Mayor Frederic C. Brereton

ATTEST:


City Clerk Shauna Arco

(SEAL)

11 11 2011

Passed: May 3, 2010
Approved: May 4, 2010
Published: May 4, 2010

Y:\Draft Ordinances\AN ORDINANCE AMENDING SECTION 106.191.doc

ORDINANCE NO. 555 G

**AN ORDINANCE AMENDING
SECTION 106-191 OF THE
BELVIDERE MUNICIPAL CODE**

WHEREAS, the Corporate Authorities of the City of Belvidere enacted Ordinance No. 353G on or about July 3, 2000 imposing certain taxes; and

WHEREAS, pursuant to said ordinance, Section 106-191 of the Belvidere Municipal Code provides that the funds from said taxes shall only be used for street purposes; and

WHEREAS, the Corporate Authorities find that it is necessary and in the public interest to allow revenue from said taxes to be utilized for other purposes.

IT IS THEREFORE ORDAINED AS FOLLOWS:

SECTION 1: The foregoing recitals are incorporated herein by this reference.

SECTION 2: Section 106-191 shall be amended to read as follows:

- A. Monies collected pursuant to this tax shall be deposited into a special account designated strictly for a city-wide street reconstruction program. Such funds shall be used for that purpose only. However, if the Corporate Authorities determine that there is a surplus within the special account, over the amount currently needed for street reconstruction, the Corporate Authorities may, by three-quarters vote, resolve to transfer said funds to the General Fund to be used for any public purpose.*
- B. This section may only be amended by a three-quarters vote of the corporate authorities.*

SECTION 3: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: Fore, Gordon, Sanderson, Lewis, Robinson, Dermer, Gamlin, Cantrell, Bowley

Nays: None

Abstentions: None

Absentees: Wise

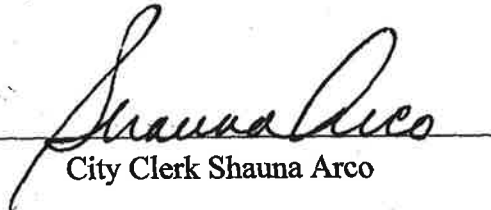
APPROVED:



Mayor Frederic C. Brereton

(SEAL)

ATTEST:



City Clerk Shauna Arco

Passed: March 17, 2003

Approved: March 18, 2003

Published: March 18, 2003

U:\Shared\Mike\Ordinances\utiltaxrepealstreet.doc

ORDINANCE #373G

**AN ORDINANCE ESTABLISHING A
CITY WIDE STREET RECONSTRUCTION PROGRAM**

WHEREAS, the City of Belvidere, Boone County, Illinois, is a municipality duly organized and validly existing under the Constitution and the laws of the State of Illinois (the "City"); and

WHEREAS, pursuant to the Constitution and the laws of the State of Illinois, and City of Belvidere, Illinois Ordinance 353G, the City is imposing a tax on certain utilities doing business in the City for the specific purpose of funding a city wide street reconstruction program; and

WHEREAS, the City has now determined that it is necessary, desirable and in the public interest to provide safe and decent streets for all people within the City; and

WHEREAS, it is recognized that streets and bridges are the backbone of the City's transportation system and, in turn, the backbone of the City economy; and

WHEREAS, the City's streets carry the bulk of travel in the City for business and pleasure; and

WHEREAS, the deterioration of City streets are costing citizens lots of money and threatening their safety;

NOW, THEREFORE, Be It Ordained by the City Council of the City of Belvidere, Boone County, Illinois, as follows:

Section 1. That it is the finding and declaration of the City Council of the City that the establishment of a city wide street reconstruction program is advantageous to the City, as set forth in the preamble to this ordinance, and therefore serves a valid public purpose.

Section 2. That the City hereby allocates all monies collected pursuant to Section 106-191 of the City Ordinance #353G and shall deposit all monies into a special account designated strictly for a city wide street reconstruction program.

Section 3. That the primary considerations for prioritizing a list of projects are overall street condition, traffic volume, drainage and phasing projects so as to maximize existing overlays, and to package the annual projects so as to fit into the actual utility tax revenues received, and that the annual projects shall be adjusted fit the dollars available.

Section 4. That the Street Improvement Project Priority List, with estimated project costs, is included in Exhibit A.

Section 5. The the total estimated costs, including water and sewer improvements, is included in Exhibit B.

Section 6. The project schedule for initiating construction each year is included om Exhibit C.

Section 7. On or before the the last day of each month, the City Treasurer shall report to the City Council the revenues and expenditures of the special account designated for a city wide street reconstruction program for the preceding month, stating:

- (a) Utility's name;
- (b) Utility's principal place of business;
- (c) Utility's gross receipts during those months upon the basis which the tax is imposed;
- (d) Amount of tax;
- (e) Amount of expenditures;
- (f) Such other reasonable and related information as the city council may require.

Section 8. PRIOR ORDINANCES. All prior ordinances or parts of ortinances to the extent that they are inconsistent with the provisions of this ordinance, are hereby repealed.

Section 9. EFFECTIVE DATE. Except as provided herein, this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

Passed by the City Council of the City of Belvidere, Illinois, this 6th ~~August~~ ^{November}, 2000.

Approved:



Mayor

Attest:



City Clerk

Ayes: Robinson, Dermer, Gamlin, Cantrell, Bowley, LaPier, Alligood,
Gordon, and Sanderson.

Nays: None.

Date Approved: November 7, 2000

Date Published: November 7, 2000

SPONSOR: Mayor Fred Brereton

**Street Improvement
Project Priority List**

Exhibit A

<u>Project No.</u>	<u>Street</u>	<u>Const. Cost</u> <u>Plus Contingency & Engr.</u>	<u>Cash Bal.</u>
	Beginning Bal. Nov. 01		1,428,000
1)	Pearl St.	929,841	
		<u>185,968</u>	<u>1,115,809</u>
	Storm Basin "G"	193,887	
		<u>38,777</u>	<u>232,664</u>
	Ending Balance		83,401
	Receipt thru Nov. 01		1,400,000
	Interest		<u>31,336</u>
	Beginning Balance		1,431,336
2)	E. Lincoln	1,109,284	
	Main to Bonus	<u>221,857</u>	<u>1,331,141</u>
	Ending Balance		96,859
	Receipts thur Nov. 02		1,400,000
	Interest		<u>31,874</u>
	Beginning Balance		1,431,874
3)	Julien St.	407,825	
	Whitney to Warren	<u>81,565</u>	489,390
	Storm Basin "I"	820,695	
	Gardner, McKinley, Hurlbut	<u>164,139</u>	<u>984,834</u>
	Wayne & Menominee		(42,888)
	Ending Balance		
	Receipts thru Nov. 04		1,400,000
	Interest		<u>28,000</u>
	Beginning Balance		1,385,112
4)	Appleton Rd.	1,145,910	
	Lakeshore to Jackson	<u>286,478</u>	<u>1,432,388</u>
	Ending Balance		(47,276)
	Receipts thru Nov. 05		1,400,000
	Interest		<u>28,000</u>
	Beginning Balance		1,380,724

5)	W. 6th St.	717,772	
	5th Ave. to State	<u>143,554</u>	861,326
	7th Ave.	314,475	
	Allen to 6th	<u>62,895</u>	<u>377,370</u>
	Ending Balance		142,028
	Receipts thru Nov. 06		1,400,000
	Interest		<u>33,681</u>
	Beginning Balance		1,575,709
6)	E. Menominee St.	276,737	
	State to Hancock	<u>55,347</u>	332,084
	E. Hancock St.		
	Perry to Menominee	127,887	
		<u>25,577</u>	153,464
	Webster St.		
	Boone to Perry	75,474	
		<u>15,095</u>	90,569
	Boone St.		
	Webster to Hancock	54,509	
		<u>10,902</u>	65,411
	E. Perry St.		
	State to Hancock	276,738	
		<u>55,348</u>	332,086
	Storm Basin "K1"		
	Kishwaukee St.	318,475	
		<u>63,695</u>	<u>382,170</u>
	Ending Balance		219,925
	Receipts thru Nov. 07		1,400,000
	Interest		<u>36,797</u>
	Beginning Balance		1,656,722
7)	W. Harrison St.	450,747	
	State to Jackson	<u>90,149</u>	540,896
	Whitman St.		
	Lincoln to Boone	209,650	
		<u>41,930</u>	251,580
	Basin M-1		
	Whitman, Harrison, Jackson	587,596	
		<u>117,519</u>	

			<u>705,115</u>
	Ending Balance		159,131
	Receipts thru Nov. 08		1,400,000
	Interest		<u>34,365</u>
	Beginning Balance		1,593,496
8)	W. Jackson	534,608	
	Appleton to Berylan	<u>106,922</u>	
			641,530
	N. Main St.		
	Harrison to Menomonie	276,738	
		<u>55,348</u>	
			332,086
	E. Harrison St.		
	State to Main	117,404	
		<u>23,481</u>	
			140,885
	E. Madison St.		
	Bennett to Bonus	251,580	
		<u>50,316</u>	
			<u>301,896</u>
	Ending Balance		177,099
	Receipts thru Nov. 09		1,400,000
	Interest		<u>35,084</u>
	Beginning Balance		1,612,183
9)	E. Pleasant St.	440,451	
	Warren to RR Tracks	<u>88,090</u>	
			528,541
	Gillman St.		
	Meadow to Prospect	179,443	
		<u>35,889</u>	
			215,332
	E. 2nd St.		
	Prospect to Genoa	262,063	
		<u>52,413</u>	
			314,476
	Prospect St.		
	Logan to 5th	214,891	
		<u>42,978</u>	
			<u>257,869</u>
	Ending Balance		295,965
	Receipts thru Nov. 10		1,400,000
	Interest		<u>39,838</u>
	Beginning Balance		1,735,803
10)	Columbia Ave.	138,369	
	Locust to Allen	<u>27,674</u>	
			166,043

Allen St.		
Columbia to 5th	461,230	
	<u>92,246</u>	553,476
5th Ave		
Locust to 6th	524,125	
	<u>104,825</u>	628,950
Meadow St.		
Main to Gilman	366,352	
	<u>73,270</u>	
		<u>439,622</u>
Ending Balance		(52,288)

**STREET & STORM SEWER IMPROVEMENTS
PROJECT COSTS YEAR 1-10**

Exhibit B
6-30-00

Project No.	Const Cost	Engr.	Water	Sewer	5% Contingency	Total
1) E. Lincoln Ave. Main to Bonus 41' x 3400'	\$1,109,284	\$178,272	\$51,737	\$27,457	\$59,424	\$1,426,174
2) Pearl St. Pleasant to 6th 41' x 2850'	\$929,841	\$166,557	\$147,410	\$33,130	\$55,519	\$1,332,457
Storm Basin "G" Scotts Army Trail 1280 L.F. - 24" to 30" S.S.	\$193,887	\$29,083	\$0	\$0	\$9,694	\$232,664
3) Julien St. Whitney to Warren 41' x 1250'	\$407,825	\$65,105	\$13,501	\$12,707	\$21,702	\$520,840
Storm Basin "J" Gardner, McKinley, Hurbut Wayne, Menomonie	\$820,695	\$123,104	\$0	\$0	\$41,035	\$984,834
4) Appleton Rd. Lakeshore to Jackson 48' x 3000'	\$1,145,910	\$171,887	\$0	\$0	\$114,591	\$1,432,388
5) W. 6th St. 5th to State 41' x 2200'	\$717,772	\$133,293	\$112,187	\$58,658	\$44,431	\$1,066,341
7th Ave. Allen to 6th 37' x 1500'	\$314,475	\$49,765	\$10,057	\$7,232	\$16,588	\$398,117
6) Storm Basin K-1 Kishwaukee St. E. Menomonie	\$318,475	\$47,771	\$0	\$0	\$15,924	\$382,170
	\$276,737	\$50,304	\$48,877	\$9,757	\$16,769	\$402,444

Project No.	Const. Cost	Engl.	Water	Sewer	5% Contingency	Total
State to Hancock 37' x 1320'						
E. Hancock Perry to Menominee 37' x 610'	\$127,887	\$28,157	\$45,077	\$14,750	\$9,386	\$225,257
Webster Boone to Perry 37' x 360'	\$75,474	\$13,204	\$7,108	\$5,446	\$4,401	\$105,633
Boone St. Webster to Hancock 37' x 260'	\$54,509	\$8,176	\$0	\$0	\$2,725	\$65,410
E. Perry State to Hancock 34' x 1320'	\$276,738	\$45,765	\$15,430	\$12,934	\$15,255	\$366,122
7) Basin M-1 Whitman, Harrison, Jackson 3615 L.F. 24" to 36" S.S.	\$587,596	\$88,139	\$0	\$0	\$29,380	\$705,115
W. Harrison State to Jackson 37' x 2150'	\$450,747	\$87,305	\$118,580	\$12,707	\$29,102	\$698,441
Whitman St. W. Lincoln to Boone 37' x 1000'	\$209,650	\$34,126	\$12,430	\$5,424	\$11,375	\$273,005
8) E. Madison St. Bennett to Bonus 37' x 1200'	\$251,580	\$47,470	\$55,810	\$9,077	\$15,823	\$379,760
W. Jackson St. Appleton to Berylan 37' x 2550'	\$534,608	\$83,918	\$21,217	\$3,631	\$27,973	\$671,347
N. Main St. Menominee to Harrison 37' x 1320'	\$276,738	\$58,450	\$102,079	\$10,848	\$19,483	\$467,598
E. Harrison State to Main	\$117,404	\$22,639	\$33,521	\$0	\$7,546	\$181,110

<u>Project No.</u>	<u>Const. Cost</u>	<u>Engr.</u>	<u>Water</u>	<u>Sewer</u>	<u>5% Contingency</u>	<u>Total</u>
37' x 560'						
9) E. Pleasant St. Warren to RR Tracks 41' x 1350'	\$440,451	\$71,531	\$13,615	\$22,805	\$23,844	\$572,246
Gilman St. Meadow to Pleasant 41' x 550'	\$179,443	\$27,784	\$3,971	\$1,815	\$9,261	\$222,274
Prospect St. Logan to 5th 37' x 1025'	\$214,891	\$35,774	\$18,153	\$5,446	\$11,925	\$286,189
E. 2nd St. Prospect to Genoa 37' x 1250'	\$262,063	\$42,038	\$12,769	\$5,424	\$14,013	\$336,307
10) Columbia Locust to Allen 37' x 660'	\$138,369	\$22,281	\$4,520	\$5,620	\$7,427	\$178,217
Allen St. Columbia to 5th 37' x 2200'	\$461,230	\$75,151	\$26,216	\$13,560	\$25,050	\$601,207
5th Ave. Locust to 6th 37' x 2500'	\$524,125	\$98,577	\$112,260	\$20,792	\$32,859	\$788,613
TOTALS	\$11,418,404	\$1,905,626	\$986,525	\$299,220	\$692,505	\$15,302,280

ORDINANCE #353G

**AN ORDINANCE IMPOSING A TAX ON CERTAIN UTILITIES DOING
BUSINESS IN THE CITY OF BELVIDERE, ILLINOIS.**

BE IT ORDAINED BY THE CITY COUNCIL OF BELVIDERE, ILLINOIS, AS
FOLLOWS:

SECTION 1: That the Belvidere Municipal Code be amended by adding the following to
Chapter 106:

Section 106-190. TAX IMPOSED. A tax is imposed on all persons engaged in the
following occupations or privileges:

- (a) Persons engaged in the business of distributing, supplying, furnishing, or
selling gas for use or consumption within the corporate limits of Belvidere,
Illinois, and not for resale, at the rate of 5% of the gross receipts therefrom.
- (b) Persons engaged in the business of distributing, supplying, furnishing, or
selling electricity for use or consumption within the corporate limits of
Belvidere, Illinois, and not for resale, at the rate of 5% of the gross receipts
therefrom. The tax imposed under this paragraph shall not apply to gross
receipts pertaining to bills for the distribution, supply, or furnishing or sale of
electricity where the use or consumption of the electricity is subject to the tax
imposed under Section 106-190(c).
- (c) Pursuant to 65 ILCS 5/8-11-2 and any and all other applicable authority, a
tax is imposed upon the privilege of using or consuming electricity acquired
in a purchase at retail and used or consumed within the corporate limits of
the municipality at the following rates, calculated on a monthly basis for each
purchaser:
 - (i) For the first 2,000 kilowatt-hours used or consumed in a month;
0.543 cents per kilowatt-hour;

- (ii) For the next 48,000 kilowatt-hours used or consumed in a month;
0.356 cents per kilowatt-hour;
- (iii) For the next 50,000 kilowatt-hours used or consumed in a month;
0.321 cents per kilowatt-hour;
- (iv) For the next 400,000 kilowatt-hours used or consumed in a month;
0.312 cents per kilowatt-hour;
- (v) For the next 500,000 kilowatt-hours used or consumed in a month;
0.303 cents per kilowatt-hour;
- (vi) For the next 2,000,000 kilowatt-hours used or consumed in a month;
0.285cents per kilowatt-hour;
- (vii) For the next 2,000,000 kilowatt-hours used or consumed in a month;
0.281 cents per kilowatt-hour;
- (viii) For the next 5,000,000 kilowatt-hours used or consumed in a month;
0.276 cents per kilowatt-hour;
- (ix) For the next 10,000,000 kilowatt-hours used or consumed in a month;
0.272 cents per kilowatt-hour, and
- (x) For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.267 cents per kilowatt-hour.

Pursuant to 65 ILCS 5/8-11-2, the rates set forth in subsection (b) above shall be effective: (A) on August 1, 2000 for residential customers; and (B) on the earlier of (1) the first bill is issued on or after January 1, 2001, or (2) the date of the first bill issued pursuant to 220 ILCS 5/16-104, for nonresidential customers.

- (d) Persons engaged in the business of transmitting messages by means of electricity or radio magnetic waves, or fiber optics, at a rate of 5% of the gross receipts from that business originating within the corporate limits of Belvidere, Illinois.

Section 106-191. PURPOSE OF TAX. All monies collected pursuant to this tax shall be deposited into a special account designated strictly for a city wide street reconstruction program. Such funds shall be used solely for that purpose and may only be amended by an affirmative vote of three-quarters (3/4) of the corporate authorities.

Section 106-192. EXCEPTIONS. No tax is imposed by this ordinance with respect to any transaction in interstate commerce or otherwise to the extent to which such business may not, under the Constitution and statutes of the United States, be made subject to taxation by this State or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing, or selling gas and electricity or engaged in the business of transmitting messages be subject to taxation under the provisions of this ordinance for those transactions that are or may become subject to taxation under the provisions of the "Municipal Retailers' Occupation Tax Act" authorized by Section 8-11-1 of the Illinois Municipal Code.

Section 106-193. ADDITIONAL TAXATION. Such tax shall be in addition to other taxes levied upon the taxpayer or its business.

Section 106-194. DEFINITIONS. For the purposes of this ordinance the definitions found in section 8-11-2 of the Illinois Municipal Code, as amended from time to time, shall apply. As of the effective date of this ordinance they are:

- (a) "Gross receipts" means the consideration received for distributing, supplying, furnishing, or selling gas for use or consumption and not for resale, and the consideration received for distributing, supplying, furnishing, or selling electricity for use or consumption and not for resale, and for all services rendered in connection therewith valued in money, whether received in money or otherwise, including cash, credit, services, and property of every

kind and material and for all services rendered therewith, and shall be determined without any deduction on account of the cost of transmitting such messages, without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever. Gross receipts shall not include receipts from the sale to the City of Belvidere of the utility services specified in this ordinance, and billings to the City's accounts shall not include a charge on account of the tax provided for herein.

- (b) "Person" as used in this Section means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, municipal corporation or political subdivision of this State, or a receiver, trustee, guardian or other representative appointed by order of any court.
- (c) "Public utility" shall have the meaning ascribed to it in Section 3-105 of the Public Utilities Act.
- (d) The words "transmitting messages", in addition to the usual and popular meaning of person to person communication, shall include the furnishing, for a consideration, of service or facilities (whether owned or leased), or both, to persons in connection with the transmission of messages where those persons do not, in turn, receive any consideration in connection therewith, but shall not include such furnishing of services or facilities to persons for the transmission of messages to the extent that any such services or facilities for the transmission of messages are furnished for a consideration, by those persons to other persons, for the transmission of messages.

In the case of persons engaged in the business of transmitting messages through the use of mobile equipment, such as cellular phones and paging

systems, the gross receipts from the business shall be deemed to originate within the corporate limits of Belvidere, Illinois only if the address to which the bills for the service are sent is within those corporate limits.

Section 106-195. COLLECTION. The tax authorized by this Ordinance shall be collected from the purchaser by the person maintaining a place of business in this State who delivers the utility to the purchaser. This tax shall constitute a debt of the purchaser to the person who delivers the utility to the purchaser and if unpaid, is recoverable in the same manner as the original charge for delivering the utility. Any tax required to be collected pursuant to this Ordinance and any such tax collected by a person delivering the utility shall constitute a debt owed to the municipality by such person delivering the utility, provided, that the person delivering electricity shall be allowed a credit for such tax related to deliveries of electricity which are written off as uncollectible, and provided further, that if such charges are thereafter collected, the delivering supplier shall be obligated to remit such tax. Persons delivering the utility shall collect the tax from the purchaser by adding such tax to the gross charge for delivering the utility. Persons delivering the utility shall also be authorized to add to such gross charge an amount equal to 3% of the tax to reimburse the person delivering the utility for the expense incurred in keeping records, billing customers, preparing and filing returns, remitting the tax and supplying data to the municipality upon request. If the person delivering the utility fails to collect the tax from the purchaser, then the purchaser shall be required to pay the tax directly to the municipality in the manner prescribed by the municipality. Persons delivering the utility who file returns pursuant to this paragraph shall, at the time of filing such return, pay the municipality the amount of the tax collected pursuant to this Ordinance.

Section 106-196. EFFECTIVE DATES OF IMPOSITION OF TAX. Except as provided in Section 106-190(b) above, all taxes imposed herein for all customers shall be effective on all bills issued after August 1, 2000.

Section 106-197. REPORTS TO MUNICIPALITY. On or before the last day of each month, each taxpayer shall make a return to the City Treasurer for the preceding month, stating:

- (a) Taxpayer's name;
- (b) Taxpayer's principal place of business;
- (c) Taxpayer's gross receipts during those months upon the basis of which the tax is imposed;
- (d) Amount of tax; and,
- (e) Such other reasonable and related information as the corporate authorities may require.

On or before the last day of every month thereafter, each taxpayer shall make a like return to the City Treasurer for the preceding month.

The taxpayer making the return herein provided for shall, at the time of making such return, pay to the City Treasurer of Belvidere, Illinois, the amount of tax herein imposed; provided that in connection with any return the taxpayer may, if taxpayer so elects, report and pay an amount based upon the total billings of business subject to the tax during the period for which the return is made (exclusive of any amounts previously billed) with prompt adjustments of later payments based upon any differences between such billings and the taxable gross receipts.

Section 106-198. CREDIT FOR OVERPAYMENT. If it shall appear that an amount of tax has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any tax due, or to become due, under this ordinance, from the taxpayer who made the erroneous payment, provided that no amounts erroneously paid more than three (3) years prior to the filing of a claim

therefor shall be so credited.

Section 106-199. LIMITATIONS. No action to recover any amount of tax due under the provisions of this ordinance shall be commenced more than three (3) years after the due date of such amount.

Section 106-200. PENALTIES. Any taxpayer who fails to make a return, or who makes a fraudulent return, or who willfully violates any other provision of this ordinance is guilty of a violation of this ordinance and, upon conviction thereof, shall be fined no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and in addition shall be liable in a civil action for the amount of tax due.

Section 106-201. VALIDITY. That each section, paragraph, sentence, clause, and provision of this ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this ordinance nor any part thereof, other than that part affected by such decision.

SECTION 2: PRIOR ORDINANCES. All prior ordinances or parts of ordinances to the extent that they are inconsistent with the provisions of this ordinance, are hereby repealed.

SECTION 3: EFFECTIVE DATE. Except as provided herein, this ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as required by law.

Passed by the City Council of the City of Belvidere, Illinois, this 3rd day of July, 2000.

Approved:

L.C. Brereton
Mayor

Attest:

Romelle R. Cunningham
City Clerk

Ayes: Wise, Gamlin, Cantrell, Bowley, LaPier, Alligood, Mayor Brereton.

Nays: Robinson, Dermer, Gordon, and Sanderson.

Date Approved: July 5, 2000

Date Published: July 5, 2000

SPONSOR: Ald. Dana LaPier