

VILLAGE OF PLAINFIELD

ORDINANCE NO. 2930

AN ORDINANCE AMENDING SECTION 7.7-1 (MUNICIPAL UTILITY TAX) OF ARTICLE I OF CHAPTER 7.7 (TAXATION) OF THE CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD.

PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PLAINFIELD, WILL AND KENDALL COUNTIES, ILLINOIS, THIS 16TH DAY OF MARCH, 2010.

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AN ORDINANCE AMENDING SECTION 7.7-1 (MUNICIPAL UTILITY TAX) OF ARTICLE I OF CHAPTER 7.7 (TAXATION) OF THE CODE OF ORDINANCES OF THE VILLAGE OF PLAINFIELD, ILLINOIS

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF PLAINFIELD, ILLINOIS, AS FOLLOWS:

Section 1. Section 7.7-1(a) of Article I of Chapter 7.7 of the Code of Ordinances of the Village of Plainfield, Illinois is hereby amended by deleting it in its entirety and replacing it with the following:

“Village means the Village of Plainfield, Will County, Illinois.

Gross receipts means the consideration received for distributing, supplying, furnishing or selling gas for use or consumption and not for resale, as the case may be; 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 the service, product or commodity supplied, the cost of materials used, labor or service cost, or any other expenses whatsoever; provided, however that “gross receipts” shall not include (i) any amounts specifically excluded from the definition of gross receipts in Section 8-11-2(d) of the Illinois Municipal Code or (ii) that portion of the consideration received from distributing, supplying, furnishing, or selling gas to school districts or units of local government or school districts within the corporate limits of the Village. If the preceding sentence in this paragraph or the application thereof is held unconstitutional or otherwise invalid, the amount of tax due as a consequence of such holding shall be limited to the amount that the taxpayer is authorized to charge and collect from such school districts and units of local government pursuant the provisions of Section 9-221 of the Public Utilities Act or any successor thereto.

Persons means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, municipal corporation, the State or any of its political subdivisions, any State university created by statute, or a receiver, trustee, guardian or other representative appointed by order of any court.”

Section 2. Effective May 1, 2010, Section 7.7-1(b) of Article I of Chapter 7.7 of the Code of Ordinances of the Village of Plainfield, Illinois is hereby amended by deleting it in its entirety and replacing it with the following:

“(b) Tax Imposed. A tax is imposed on all persons engaged in the following occupations or privileges:

Persons engaged in the business of distributing, supplying, furnishing, or selling gas for use or consumption within the corporate limits of the Village of Plainfield, and not for resale, at the rate of 5% of the gross receipts therefrom.

No tax is imposed by this section 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 the State of Illinois or any political subdivision thereof; nor shall any persons engaged in the business of distributing, supplying, furnishing or selling gas be subject to taxation under the provisions of this section for such transactions as 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 3. Sections 7.7-1(i) and (j) of Article I of Chapter 7.7 of the Code of Ordinances of the Village of Plainfield, Illinois are hereby deleted in their entirety.

Section 4. The Village Clerk is hereby directed to send a certified copy of this ordinance to each utility company affected by this ordinance.

Section 5. 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 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law; provided, however, that the amendment set forth in Section 2 of this Ordinance is intended to be effective with respect to gross receipts actually paid to the taxpayer for services billed on or after May 1, 2010; and provided, further, however, that any amounts due or payable for any tax periods ending prior to May 1, 2010, shall nevertheless remain payable as if Section 2 of this Ordinance had not been adopted.

This Ordinance shall be numbered as Ordinance No. 2930.

PASSED THIS 15TH DAY OF MARCH 2010.

AYES: Kachel, Lamb, Racich, Bonuchi

NAYS: Peck, Fay

ABSENT: None

APPROVED THIS 15TH DAY OF MARCH 2010.

ATTEST:


VILLAGE CLERK


VILLAGE PRESIDENT