

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 16-80**

**AN ORDINANCE INCREASING
MUNICIPAL RETAIL MOTOR FUEL TAX
AND AMENDING TITLE 3 CHAPTER 23
SECTION 3 AND SECTION 6 OF THE
BATAVIA MUNICIPAL CODE**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 19TH DAY OF DECEMBER, 2016**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 19th day of December, 2016

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

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WHEREAS, the City of Batavia is a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, the continued and increasing use of public streets and parking facilities by motor vehicles has resulted in a great increase in the funds necessary for their upkeep; and

WHEREAS, the City has determined that increasing the existing municipal retail motor fuel tax is a reasonable manner in which to secure additional funding for the construction, improvement and maintenance of such streets and parking facilities, as it is collected from users of the streets and parking facilities, as opposed to the general public; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable for the City of Batavia to amend its ordinances regarding taxation by creating a municipal retail motor fuel tax, and limiting the use of the proceeds of such tax to the construction, improvement and maintenance of the public streets and parking facilities;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

SECTION ONE: 3-23-2: DEFINITIONS:

For the purposes of this Article, whenever any of the following words, terms or definitions is used herein, they shall have the meaning ascribed to them in this Section:

- (A) "Dealer" means every person engaged in the business of the retail sale of motor fuel, including any person who has an established place of business for such purposes ascribed to them in this Section.

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(B) "Motor Fuel" means all volatile and inflammable liquids produced, blended or compounded for the purpose of, or which are suitable or practicable for, operating internal combustion engines, including compressed natural gas.

(C) "Person" means any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, co-partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal nonprofit, or otherwise; whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean that the owners or part owners thereof and, as applied to corporations, the officers thereof.

(D) "Retail" means the sale for any good and valuable consideration to a person for use as a consumer.

SECTION TWO: Title 3, Chapter 23 Section 3 of the Batavia Municipal Code is hereby amended to read as follows:

3-23-3: TAX IMPOSED:

(A) Beginning on February 1, 2017, there is hereby imposed and shall immediately accrue and be collected a tax upon the privilege of purchasing motor fuel at retail in the City of Batavia at a rate of three cents (\$0.03) per U.S. Gallon.

B) In the event motor fuel is dispensed by a unit of measure other than U.S. Gallon, then the tax shall be imposed at the same ratio of three cents (\$0.03) per U.S. Gallon to the unit of measure."

SECTION THREE: Title 3, Chapter 23 Section 6 of the Batavia Municipal Code is hereby amended to read as follows:

3-23-6: FILING OF RETURN AND PAYMENT OF TAX

(A) Not later than the twentieth day of the month, the dealer shall transmit a report of sale of motor fuel in the previous month to the city of Batavia on such forms and in such manner as prescribed by the city. Beginning on February 1, 2017, the dealer may withhold one-half of one percent (.005) for filing the tax return online and in addition beginning February 1, 2017, the dealer may withhold one-half of one percent (.005) for paying the tax amount due online. The discount for filing electronically and the discount for electronic payment are in addition to the 1% services fee as referred to in 3-23-5 and as such are separate discounts only allowed for use of the City of Batavia online filing system and for payment through the City of Batavia online payment system for such tax.

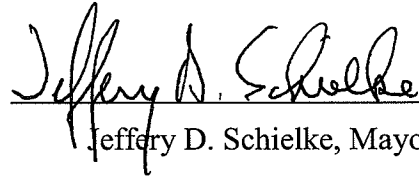
SECTION FOUR: Except as herein amended, all other portions of Title 3, Chapter 23 shall remain in full force and effect.

SECTION FIVE: This Ordinance shall be in full force and effect on its passage, presentation and approval according to law.

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PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 19th day of December, 2016.


APPROVED by me as Mayor of said City of Batavia, Illinois, this 19th day of December, 2016.



 Jeffrey D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	X				Salvati	X			
2	Callahan	X				Wolff	X			
3	Meitzler	X				Chanzit	X			
4	Mueller	X				Stark	X			
5	Botterman	X				Atac	X			
6	Cerone	X				Russotto	X			
7	McFadden	X				Brown	X			
Mayor Schielke										
VOTE:		14 Ayes	0 Nays	0 Absent	Abstention(s)					
Total holding office:		Mayor and 14 aldermen								

ATTEST:



 Chris Simpkins, Deputy City Clerk