

VILLAGE OF BRADLEY

ORDINANCE NO. O-9-18-1

AN ORDINANCE IMPOSING A SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 10 DAY OF SEPTEMBER, 2018

Published in pamphlet form by the authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois this 10 day of SEPTEMBER 2018

ORDINANCE NO. O-9-18-1

**AN ORDINANCE IMPOSING A SIMPLIFIED MUNICIPAL
TELECOMMUNICATIONS TAX**

WHEREAS, the President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois, have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1, *et. seq.*) (“the Act”) authorizes the Corporate Authorities of the Village to impose a simplified municipal telecommunications tax on the privilege of originating or receiving telecommunications, whether intrastate or interstate, within the municipal boundaries of the Village; and

WHEREAS, the Corporate Authorities of the Village have determined that imposing a simplified municipal telecommunications tax, as authorized by the Act, is in the best interests of the Village and its Citizens.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS, PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. The President and Board of Trustees hereby find that all of the recitals contained in the preamble to this Ordinance are true, correct, and complete and are hereby incorporated by reference hereto and made a part hereof.

SECTION 2. A simplified municipal telecommunications tax is hereby imposed upon the act or privilege of originating or receiving intrastate or interstate telecommunications within the corporate boundaries of the Village, pursuant to the provisions of the Simplified Municipal Telecommunications Tax Act (35 ILCS 636/5-1 *et seq.*) (“the Act”), at the rate of 6% of the gross charges for such telecommunications purchased at retail from any retailer, as those terms are defined in said Act.

SECTION 3. The tax hereby imposed shall be collected and enforced by the Department of Revenue of the State of Illinois. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance on behalf of the Village.

SECTION 4. The Village’s Finance Director shall prepare such lists and other information as necessary to inform any retailer charged with collecting the taxes imposed and authorized pursuant to this Ordinance of the jurisdictional limits of such taxes. The lists and other information to be prepared shall be in any of the following forms, or in any combination thereof, as determined to be necessary and expedient in the sole discretion of the Finance Director:

1. A list containing each street name, known street name aliases, street address number ranges, applicable directionals, and zip codes associated with each street name, for all street

addresses located within the Village's Corporate Boundaries. For a range of street address numbers located within the Village that consists only of odd or even street numbers, the list must specify whether the street numbers in the range are odd or even. The list shall be alphabetical, except that numbered streets shall be in numerical sequence; and/or

2. A list containing each postal zip code and any and all the city names associated therewith for all zip codes assigned to any geographic area located entirely within the Village, including zip codes assigned to rural route boxes, if any; and/or
3. A sequential list containing all rural route box number ranges and the city names and zip codes associated therewith, for all rural route boxes located within the Village's Corporate Boundaries.

The list(s) maintained pursuant to this section shall be provided to any retailer charged with collecting the taxes imposed by this Ordinance as authorized by the Act within thirty (30) days after the Village receives a written request therefore from said retailer, or else at any time that the Finance Director deems it to be necessary, in the Finance Director's sole discretion, to provide such lists.

If a retailer requests any of the lists maintained pursuant to this Section in print format, the Village shall cause it to be printed and produce in that format. If, however, the retailer requests that any list be produced in any other format (electronic or otherwise) and the Village maintains the list(s) in that format, the Village shall provide the list(s) in that format. Nothing in this Section is intended or shall be deemed to limit the ability of the Village and any given retailer to agree upon a format and medium for the production of any list(s) in any way whatsoever.

After preparing the list(s) as required by this Section, the Finance Director shall thereafter be responsible for updating the lists as changes occur and for furnishing this information to all telecommunications retailers affected by the changes. Each update shall specify an effective date, which shall be the next ensuing January 1, April 1, July 1, or October 1; shall be furnished to the telecommunications retailers not less than 60 days prior to the effective date; and shall identify the additions, deletions, and other changes to the preceding version of the list. If the information is received less than 60 days prior to the effective date of the change, the telecommunications retailers will have until the next ensuing January 1, April 1, July 1, or October 1 to make the appropriate changes.

The Finance Director shall notify any telecommunications retailer that has previously requested or been provided a list pursuant to this Section of any annexations, de-annexations, or other boundary changes at least 60 days after the effective date of such changes. The notification shall contain each street name, known street name aliases, street address number ranges, applicable directionals, and zip codes associated with each street name, for all street addresses for which a change has occurred. The notice shall be mailed to an address designated by the telecommunications retailer. The telecommunications retailer has until the next ensuing January 1, April 1, July 1, or October 1 to make the changes described in such notification.

Finally, the Finance Director shall be primarily responsible for responding to any requests for information as may arise related to the tax imposed by this ordinance, regardless of their source, including but not limited to requests from the Illinois Department of Revenue.

SECTION 5. The Village Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue before September 20, 2018.

SECTION 6. In the event that any provision or provisions, portion or portions, or clause or clauses of this Ordinance shall be declared to be invalid or unenforceable by a Court of competent jurisdiction, such adjudication shall in no way affect or impair the validity or enforceability of any of the remaining provisions, portions, or clauses of this Ordinance that may be given effect without such invalid or unenforceable provision or provisions, portion or portions, or clause or clauses.

SECTION 7. All ordinances, resolutions, motions, or parts thereof, conflicting with any of the provisions of this Ordinance, are hereby repealed to the extent of the conflict.

SECTION 8. The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

SECTION 9. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law, provided, however, that Section 2 of this Ordinance shall take effect for all gross charges billed by telecommunications retailers on and following January 1, 2019.

PASSED by the Board of Trustees on a roll call vote on the 10 day of SEPT, 2018.

TRUSTEES:

GERALD BALTHAZOR	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
ROBERT REDMOND	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
LORI GADBOIS	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
MICHAEL WATSON	Aye – <input type="checkbox"/>	Nay – <input checked="" type="checkbox"/>	Absent – <input type="checkbox"/>
DON BARBER	Aye – <input type="checkbox"/>	Nay – <input checked="" type="checkbox"/>	Absent – <input type="checkbox"/>
NICK ALLEN	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>

VILLAGE PRESIDENT:

BRUCE ADAMS	Aye – <input checked="" type="checkbox"/>	Nay – <input type="checkbox"/>	Absent – <input type="checkbox"/>
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TOTALS:	Aye – <u>5</u>	Nay – <u>2</u>	Absent – <u>0</u>
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ATTEST:



 MICHAEL J. LAGESSE, VILLAGE CLERK

APPROVED this 10 day of SEPTEMBER, 2018.

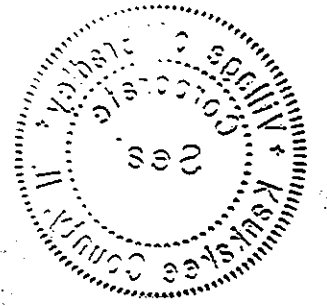


Bruce W. Adams
BRUCE ADAMS, VILLAGE PRESIDENT

ATTEST:

Michael J. Lagesse
MICHAEL J. LAGESSE, VILLAGE CLERK

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STATE OF ILLINOIS)
)
COUNTY OF KANKAKEE) §§

I, Michael J. LaGesse, Village Clerk of the Village of Bradley, County of Kankakee and State of Illinois, DO HEREBY CERTIFY that the attached is a true, perfect, and complete copy of Ordinance number 0-9-18-1, "AN ORDINANCE IMPOSING A SIMPLIFIED MUNICIPAL TELECOMMUNICATIONS TAX," which was adopted by the Village President and Board of Trustees at a meeting held on the 10 day of SEPT, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand in the Village of Bradley, County of Kankakee and State of Illinois, on this 10 day of SEPT, 2018.



MICHAEL J. LAGESSE, VILLAGE CLERK



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