

ORDINANCE NO. 01 - 04

**ORDINANCE EXTENDING THE
UTILITY TAX AND TELECOMMUNICATIONS
TAX IN THE VILLAGE OF EAST DUNDEE,
COOK AND KANE COUNTIES, ILLINOIS**

WHEREAS, the Municipal Code of the Village of East Dundee, Illinois, adopted by the President and Board of Trustees of the Village of East Dundee on the 3rd day of May 1982, provided for a Municipal Utility Tax pursuant to Chapter 50, Section 50.02, and

WHEREAS, on July 3, 2000, the President and Board of Trustees of the Village of East Dundee adopted Ordinance No. 00-15 extending the Utility Tax through Fiscal Year 2000 - 2001; and

WHEREAS, pursuant to Ordinance No. 00-15, the Utility Tax and Telecommunications Tax shall be reviewed by the Village Board during May for continuation; and

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS:

Section One. That Chapter 37 of the East Dundee Municipal Code is hereby amended to read as follows:

"37.03 MUNICIPAL UTILITY TAX. (Natural Gas) Persons Liable. A tax is imposed on all persons engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption within the corporate limits of East Dundee, Illinois, and not for resale, on the gross receipts actually paid to the taxpayer for services billed on and after the effective dates set forth herein and at the following rates: from July 1, 2001 at the rate of 5-percent. The taxpayer shall remit tax receipts to the Village monthly.

Section Two: The Telecommunications Tax, East Dundee Municipal Code, Section 37.04 of Chapter 37 is hereby amended to read as follows:

"37.04 TELECOMMUNICATIONS TAX. Pursuant to 65 ILCS 5/8-11-17, Municipal Telecommunications Tax, for persons engaged in the act or privilege of originating in the Village or receiving in the Village intrastate or interstate telecommunications on the gross charge for such telecommunications purchased at retail from a retailer by such person at the rate of 5-percent of the gross charge for such telecommunications purchased at retail from a retailer by such person for such gross charges actually incurred by the taxpayer for services billed on and after July 1, 2001, and thereafter until amended or modified. For purposes of this Telecommunications Tax, all terms and definitions set forth in 65 ILCS 5/8-11-17 are adopted and incorporated as though fully set forth herein." The taxpayer shall remit tax receipts to the Village monthly.

Section Three: The Municipal Utility Tax -- Gross Receipts, East Dundee Municipal Code, Section 37.05B of Chapter 37 is hereby amended to read as follows:

"37.05B MUNICIPAL UTILITY TAX -- GROSS RECEIPTS. A tax is imposed on all persons engaged in the business of distributing, supplying, furnishing or selling electricity for use or consumption within the corporate limits of East Dundee, Illinois, and not for resale, on the gross receipts actually paid to the taxpayer for services billed on and after the effective dates set forth herein and at the following rates: from July 1, 2001 and thereafter until amended or modified at the rate of 5-percent. The taxpayer shall remit tax receipts to the Village monthly.

Notwithstanding the foregoing, the tax imposed by this Section 37.05B shall not apply with respect to gross receipts pertaining to bills for the distribution, supply, furnishing, or sale of electricity where the use or consumption of the electricity is subject to the tax imposed by Section 37.05A.

Section Four: This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law, and shall be effective as to (i) gross receipts actually paid to the taxpayer (with respect to the tax amended by Section One of this Ordinance), and (ii) gross charges actually incurred by the taxpayer (with respect to the tax amended by Section Two of this Ordinance) for services billed on or after the 1st day of July, 2001.

Section Five: The Village Clerk will send a certified copy of this Ordinance to each utility company known to be receiving gross receipts or imposing gross charges within the Village.

Section Six: All provisions of the East Dundee Municipal Code not amended, remain in full force and effect.

Section Seven. Severability. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

Section Eight. Repeal. All ordinances, resolutions, motions, or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Nine. Publication. That a full, true and complete copy of this Ordinance shall be published within 10 days after passage in pamphlet form by authority of the Board.

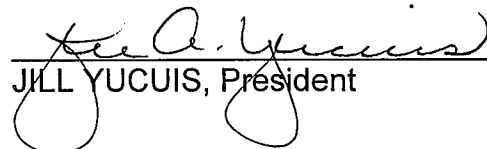
Adopted this 16th day of April, 2001, pursuant to a roll call vote as follows:

AYES: Bartels, Szalla, Zaeske, Ahrens, Arnone, Ruffulo.

NAYES: None.

ABSENT: NOne.

Approved by me this 16th day of April, 2001.



JILL YUCUIS, President

Published in pamphlet form this 8th day of May, 2001, under the authority of the President and Board of Trustees.

ATTEST:



JANE THEIS, Village Clerk

Recorded in the Village Records on May 8th, 2001.

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