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AN ORDINANCE AMENDING TITLE 7 OF THE ORLAND PARK VILLAGE CODE IN REGARD TO COMPLIANCE WITH THE LOCAL GOVERNMENT TAXPAYERS' BILL OF RIGHTS ACT

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WHEREAS, the Illinois General Assembly enacted, and the Governor signed into law, Public Act 91-920, which is the Local Government Taxpayers' Bill of Rights Act (hereinafter referred to as the "Act"); and

WHEREAS, the Act requires that all Illinois municipalities, including those with home rule power, that collect or administer a tax that is not collected or administered by an agency or department of the State and that is not a tax on real property under the Property Tax Code of Illinois, adopt an ordinance outlining certain procedures regarding said collection and administration;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois as follows:

SECTION 1:

That Title 7 of the Orland Park Village Code is amended by adding a new Chapter 19 thereto which shall read in its entirety as follows: **"CHAPTER 19 - LOCAL GOVERNMENT TAXPAYERS' BILL OF RIGHTS ACT"**

7-19-1: DEFINITIONS: As used in this Chapter, the following terms shall have the following meanings:

CODE means the Orland Park Village Code.

TAX means any pecuniary burden imposed by the Village on individuals or entities to support Village government that is not a permit or other fee (excepting the Municipal Telecommunications Infrastructure Maintenance Fee), is not collected or administered by a department or agency of the State of Illinois, and is not a tax on real property under the Illinois Property Tax Code (35 ILCS 200/1-1 *et seq.*), including, but not limited to, any of the following taxes that may now, or in the future be collected or administered by the Village :

Hotel Operator's Accommodation Tax – See Title 7, Chapter 7, Sections 7-7-7-1 through 7-7-7-12 of this Code.

TAX ADMINISTRATOR means the Village Manager of the Village or the Village Manager's designee.

7-19-2: APPLICATION OF PAYMENTS:

Notwithstanding any provision in this Code to the contrary, any payment designated by a taxpayer as payment of a particular tax liability shall be applied to that taxpayer's liabilities

pertaining to the particular tax as follows: first to the interest accrued on outstanding tax liabilities; second to the outstanding tax liability; third to any penalties due on outstanding tax liabilities; and fourth to current tax liabilities.

7-19-3: INTEREST ON OVERDUE PAYMENTS:

Notwithstanding any provision in this Code to the contrary, any tax not paid on the date due shall accrue interest at the rate of 2.0% of the amount due for each month or part of a month the tax remains unpaid.

7-19-4: DETERMINATION OF TAX LIABILITY:

To collect overdue taxes, a determination of tax liability notice shall be sent to the taxpayer by registered or certified mail no more than four (4) years after the end of the calendar year when the tax was due; however, if less than 75% of the tax due was paid, a determination of tax liability notice may be sent no more than six (6) years after the end of the calendar year when the tax was due. All determination of tax liability notices shall include the following information:

- A. the reason for the tax liability;
- B. the amount of tax, interest and penalty due on the date of the determination and information on how interest and penalties accrue;
- C. the procedure for appeal; and
- D. information regarding the right of the Village to audit the taxpayer's books and records for a particular period and the Village's obligation to refund overpayments.

7-19-5: APPEALS:

Any taxpayer may, within forty-five (45) days of the date of receipt of a determination of tax liability notice or at any time before a current tax becomes due, seek a hearing before the Tax Administrator to appeal the tax liability. For reasonable cause shown in writing by the taxpayer and full payment of the amount of tax protested plus accrued interest due, the Tax Administrator shall extend the forty-five (45) day period for appeal after a determination has been issued for up to an additional forty-five (45) days.

7-19-6: CREDITS AND REFUNDS:

Notwithstanding any provision in this Code to the contrary, taxpayers may, in writing, claim a credit or refund for payment of taxes, interest or penalties paid in error for up to four (4) years after the end of the calendar year in which the payment was made. Claims must include dates, amount paid, and an explanation of the error that occurred. The Tax Administrator shall determine whether a credit or refund is justified and shall respond to the taxpayer in writing within thirty (30) days of receipt of the claim. Tax amounts paid in error shall be returned plus interest at the annual rate of 5%.

7-19-7: VOLUNTARY DISCLOSURE:

A taxpayer who has not received a written notice of an audit or determination of tax liability may seek disclosure of tax liability by applying to the Tax Administrator in writing for voluntary disclosure of the taxpayer's liability pertaining to a particular tax and agreeing to pay, within ninety (90) days of the date of the application, the tax due plus 1% interest per month for all periods prior to filing the application, but not more than four (4) years prior thereto. The taxpayer shall be liable for any underpaid taxes and accrued interest during the four (4) year time period but, except for the taxes and interest due under this Section, the taxpayer shall not be liable for any taxes imposed prior to the date of the application for voluntary disclosure.

7-19-8: LIENS:

In the first month of each calendar year, the Tax Administrator shall cause all liens against taxpayers to be reviewed. The Village shall, in regard to liens found to be improper, at its sole expense, release said liens, correct the taxpayer's credit record and correct any public disclosure of said liens.

7-19-9: PENALTIES:

A. A penalty of 5% of the amount of tax due shall be charged against any taxpayer whose tax payment is not made on or before the date the tax is due.

B. A penalty of 5% of the amount of tax due shall be charged against any taxpayer whose tax report or return is not filed on or before the date said tax report or return is due.

C. A penalty of 25% of the amount of tax due for the period in relation to which a tax report or return is required to be filed shall be charged against any taxpayer who fails to file, before the date that a determination of tax liability notice is issued, a report or return for that period.

D. The penalties set forth in subsections A and B above shall not apply in the event the Village imposes the penalty set forth in subsection C above.

E. Any penalty may be abated by the Tax Administrator if reasonable cause for nonpayment or failure to file is shown."

SECTION 2:

This Ordinance shall be in full force and effect immediately upon its adoption, approval and publication in pamphlet form as provided by law.