

**REPORT OF THE COMMITTEE ON FINANCE**

**November 2, 2012**

The Honorable,  
The Board of Commissioners of Cook County

**ATTENDANCE**

**Present:** Chairman Daley, Vice Chairman Sims, Commissioners Beavers, Butler, Collins, Fritchey, Gainer, Garcia, Gorman, Goslin, Reyes, Schneider, Silvestri, Steele, Suffredin and Tobolski (16)

**Absent:** Commissioner Murphy (1)

Ladies and Gentlemen:

Your Committee on Finance of the Board of Commissioners of Cook County met pursuant to published notice on Friday, November 2, 2012 at the hour of 1:30 P.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

320465 **AN AMENDMENT TO CHAPTER 34, ARTICLE IV, DIVISION 6, SECTION 34-230 (PROPOSED ORDINANCE AMENDMENT).** Submitting a Proposed Ordinance Amendment by Toni Preckwinkle, President, and Jerry Butler, John P. Daley, John A. Fritchey, Bridget Gainer, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

**PROPOSED ORDINANCE AMENDMENT**

**LOCAL BUSINESS PREFERENCE ORDINANCE AMENDMENT**

**WHEREAS,** Cook County has experienced one of the most severe economic downturns in recent history, and has taken steps to protect and improve the circumstances of all of its citizens; and

**WHEREAS,** facilitating the growth and development of local business is a proven means of stimulating local and regional economic activity, particularly in challenging economic times; and

**WHEREAS,** under Section 34-121 of the Cook County Code of Ordinances, "*Local Business*" means a Person, including a foreign corporation authorized to transact business in Illinois, having a bona fide establishment located within the County at which it is transacting business on the date when a Bid is submitted to the County, and which employs the majority of its regular, full-time work force within the County; and

**WHEREAS,** Cook County, in its role as one of the largest purchasers of goods and services in the region, has an interest in investing in local businesses in order to stimulate and

promote regional growth and accordingly, provides a 2% local bid preference to local businesses; and

**WHEREAS**, in order to further promote local business development and to incentivize non-local businesses to relocate to, and employ their workforces in Cook County, Cook County wishes to increase its local bid preference to 5%.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 34 Finance, Article IV Procurement Code, Division 6 Bid Incentives and Preferences, Section 34-230 is hereby amended as follows:

**Sec. 34-230. Local Business Preference.**

The CPO shall recommend award of the Procurement to the lowest Responsible and Responsive Bidder which is a Local Business, so long as the Bid of such Bidder does not exceed the Bid of the lowest Responsive and Responsible Bidder by more than two five percent.

**Effective date:** This Ordinance Amendment shall be effective for all bids advertised on or after December 1, 2012.

**\*Referred to the Committee on Finance on 10/18/12.**

**Commissioner Silvestri, seconded by Commissioner Suffredin, move to approve Communication No. 320465. Commissioner Beavers called for a roll call, the vote of yeas and nays being as follows:**

**Roll Call on Motion to Approve the Proposed Ordinance Amendment  
(Communication No. 320465)**

**Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Collins, Fritchey, Gainer, Garcia, Gorman, Goslin, Reyes, Schneider, Silvestri, Steele, Suffredin, and Tobolski (15)**

**Nays: Commissioner Beavers (1)**

**Absent: Commissioners Murphy (1)**

**The motion to approve Communication No. 320465 carried, and the proposed amendment to the Local Business Preference Ordinance was adopted.**

320466 **DEPARTMENT OF REVENUE.** Transmitting a Communication dated October 18, 2012 from Zahra Ali, Director.

In accordance with the Executive Budget for fiscal year 2013, transmitting herewith a proposed ordinance amendment for the Cook County Tobacco Tax for consideration.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, Jesus G. Garcia, Edwin Reyes, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**TOBACCO TAX AMENDMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XI Tobacco Tax, Sections 74-431 through 74-450 is hereby amended as follows:

**Sec. 74-431. Definitions.**

For the purpose of this article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section.

*Altered or mutilated tax stamp* means any tax stamp on which the identity information is illegible or incomplete.

*Chewing tobacco* means any leaf tobacco that is not intended to be smoked.

*Cigar* means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco (other than any roll of tobacco which is a cigarette as defined in this article).

*Cigarette* means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether such tobacco is flavored, adulterated or mixed with any other ingredient, or not, and the wrapper of which is made of paper or any other substance or material except tobacco.

*Concealment* means cigarettes, other tobacco products, or cigarette tax stamps, in violation of this article, deliberately hidden to prevent or evade discovery and offered for sale by or in the possession of a wholesale or retail tobacco dealer.

*Conspicuous* means easily or clearly visible.

*Consumer* means a person who purchases cigarettes or Other Tobacco Products from a wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer, and not for resale purposes.

*Counterfeit cigarettes* means any cigarette or pack of cigarettes bearing a false, forged, artificial or imitation manufacturing label.

*County* means the County of Cook.

*Department* means the Department of Revenue within the Bureau of Finance of the County of Cook.

*Director* means the Director of the Department of Revenue.

*Improperly stamped pack* means any packs of cigarettes on which is affixed an altered/mutilated; used or reused; or counterfeit tax stamp.

*Large cigar* means any roll of tobacco wrapped in leaf tobacco or any substance containing tobacco and weighing more than four ~~three~~ pounds per one thousand units.

*Little cigar* means any roll of tobacco, other than a cigarette, wrapped in leaf tobacco or any substance containing tobacco and not weighing more than four ~~three~~ pounds per one thousand units.

*Loose cigarettes* means cigarettes that are not contained within a sealed container, pack, or package as provided by the manufacturer or as a result of any wholesale or retail tobacco dealer or person breaking or otherwise opening any cigarette package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the minimum package size of 20 cigarettes or any quantity of cigarettes that is smaller than the smallest package distributed by the manufacturer for individual consumer use.

*Loose little cigars* means little cigars that are not contained within a sealed container, pack or package as provided by the manufacturer.

*Manufacturer* means any person, other than a Retail Cigarette Manufacturer, who makes or fabricates cigarettes and/or tobacco products and sells them.

*Other Tobacco Products* includes, but is not limited to, smokeless tobacco, smoking tobacco, large cigars and little cigars, but does not include cigarettes.

*Package* means the original packet, box, tin or container whatsoever used to contain and to convey cigarettes or other tobacco products to the consumer.

*Person* means any individual, corporation, Limited Liability Corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Pipe tobacco* includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco to be smoked in a pipe.

*Premises* means, but is not limited to, buildings, vehicles or any place where cigarette or Other Tobacco Products inventory is possessed, stored or sold.

*Purchaser* means a buyer of cigarettes or Other Tobacco Products, including, but not limited to, retail tobacco dealers, retail cigarette manufacturers and/or consumers.

*Retail cigarette manufacturer* means any retail tobacco dealer who provides to consumers tobacco and other material and equipment for the production and sale of cigarettes within the retail cigarette manufacturer's premises in Cook County.

*Retail tobacco dealer* means any person who engages in the business of selling cigarettes or other tobacco products in the County of Cook to a consumer. A retail tobacco dealer shall not include any person who is licensed by the State of Illinois as a tobacco distributor or wholesaler.

*Roll-your-own tobacco* includes any tobacco which, because of its appearance, type, packaging or labeling is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes or cigars or for use as wrappers of cigars or cigarettes.

*Sale, resale, selling* means any transfer of ownership or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

*Smokeless tobacco* includes any snuff, snus, chewing tobacco, or other tobacco products not intended to be smoked.

*Smoking tobacco* includes granulated, plug cut, crimp cut, ready rubbed and other kinds and forms of tobacco prepared in such manner as to be suitable for smoking in a pipe or cigarette.

*Snuff* means any finely cut, ground or powdered tobacco that is not intended to be smoked.

*Snus* means any moist tobacco product that is not intended to be smoked.

*Stamp* means paper or other material with an imprint or decalcomania device thereon, of such size, design, color and denominations as may be prescribed and procured by the Department which, when affixed to a package of cigarettes, shall evidence payment of the tax thereon, as provided by this article.

*Tobacco products* includes, but is not limited to, any cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snus, snuff or snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings, and sweeping of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both chewing and smoking; but does not include cigarettes or tobacco purchased for the manufacture of cigarettes by cigarette wholesale tobacco dealers and manufacturers as defined in this article.

*Unit* means any division of quantity that may be used as a standard to measure the quantity sold based on length, width, weight such as pounds, ounces and/or grams or volume or some other similar unit of measure, including, but not limited to, per item.

*Unstamped pack* means any pack of cigarettes on which a Cook County tax stamp is not affixed.

*Use* means any exercise of a right or power, actual or constructive, and shall include, but is not limited to, the receipt, storage, or any keeping or retention for any length of time, but shall not include possession for sale by a retail tobacco dealer, retail cigarette manufacturer or wholesale tobacco dealer as defined in this article.

*Used or reused tax stamp* means any tax stamp previously affixed to a tobacco product, removed and subsequently affixed to any tobacco product purchased, offered for sale or sold by any person, wholesale or retail tobacco dealer; or any removed tax stamp purchased, offered for sale, sold by, or in the possession of a wholesale or retail tobacco dealer.

*Wholesale tobacco dealer* means any person who engages in the business of selling or supplying cigarettes and/or Other Tobacco Products, who brings or causes to be brought into the County of Cook cigarettes, and/or Other Tobacco Products for sale or resale to retail tobacco dealers, retail cigarette manufacturers, and/or consumers in or outside the County of Cook. For the purposes of this article, wholesale tobacco dealers also includes persons or businesses licensed as tobacco distributors, cigarette distributors or wholesalers with the State of Illinois.

**Sec. 74-432. Registration of wholesale, retail tobacco dealers and retail cigarette manufacturer.**

Wholesale tobacco dealers, retail tobacco dealers and retail cigarette manufacturers as defined in this article, shall register with the Department in accordance with policies or procedures prescribed by the Department.

**Sec. 74-433. Tax imposed; cigarettes, other tobacco products; collection; remittance.**

(a) *Cigarette Tax rate.* A tax at the rate of ~~100~~ 150 mills or ~~\$0.10~~ \$0.15 per cigarette is hereby imposed upon all cigarettes possessed for sale and upon the use of all cigarettes within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the consumer of said cigarettes. The tax imposed hereby at the rate of ~~100~~ 150 mills or ~~\$0.10~~ \$0.15 per cigarette shall become in force and effect on March 1, 2006 13. The tax herein levied shall be in addition to any and all other taxes.

(b) *Cigarette Tax stamp purchases.* The tax imposed in this section shall be paid by purchase of tax stamps from the Department, except as otherwise provided in Subsections 74-446(a) and (b) of this article. The Department shall only sell Cook County cigarette tax stamps to cigarette distributors who are licensed with the State of Illinois. It shall be the duty of every wholesale tobacco dealer, before delivering or causing to be delivered any cigarettes to a retail tobacco dealer in the County of Cook to purchase from the Department a tax stamp for each package of cigarettes and to cancel said stamps prior to the delivery of such cigarettes to any retail tobacco dealer in the County of Cook. Said stamps shall be affixed and cancelled in the manner prescribed by rules and regulations of the Department.

(c) *Retail cigarette manufacturer tax rate.* A tax at the rate of ~~\$0.10~~ \$0.15 per cigarette is hereby imposed upon each cigarette sold by a retail cigarette manufacturer. The tax herein levied shall be in addition to any and all other taxes.

(d) *Other tobacco product tax rate.* A tax at the rates specified in this section is hereby imposed upon the sale of all Other Tobacco Products within the County of Cook, the ultimate incidence of and liability for payment of said tax to be borne by the Consumer of said Other Tobacco Products. The tax imposed hereby at the rates listed in subsection (1) shall come into force and effect on March 1, 2012 and subsection (2) on January 1, 2013.

(1) A tax at the following rates is hereby imposed upon the sale of the following products through December 31, 2012:

- a. Smoking tobacco: \$0.30 per ounce or fraction thereof.
- b. Smokeless tobacco: \$0.30 per ounce or fraction thereof.
- c. Little cigars: \$0.05 per unit or cigar.
- d. Large cigars: \$0.25 per unit or cigar.

(2) A tax at the following rates is hereby imposed upon the sale of the following products effective January 1, 2013:

- a. Smoking tobacco: \$0.60 per ounce or fraction thereof.
- b. Smokeless tobacco: \$0.60 per ounce or fraction thereof.
- c. Little cigars: \$0.05 per unit or cigar.
- d. Large cigars: \$0.30 per unit or cigar.

(e) *Wholesale Tobacco Dealer, Retail Tobacco Dealer and Retail Cigarette Manufacturer Tax collection.* Any wholesale tobacco dealer shall collect the tax levied by this article from any Purchaser to whom the sale of said cigarettes and/or Other Tobacco Products is made within the County of Cook and shall remit to the County the tax levied by this article. Any retail tobacco dealer and retail cigarette manufacturer also shall collect the tax from any Consumer to whom the sale of said cigarettes and/or Other Tobacco Products is made within the County of Cook. Any such tax shall be collected as a trustee for and on account of the County of Cook. Nothing in this Article shall be construed to impose a tax upon the occupation of wholesale tobacco dealer, retail tobacco dealer, and retail cigarette manufacturer.

(f) *Other Tobacco Products Tax remittance.*

- (1) *Wholesale Tobacco Dealers.* It shall be the duty of every wholesale tobacco dealer to remit the tax due on the sales of Other Tobacco Products to retail tobacco dealers, retail cigarette manufacturers and/or consumers in Cook County on forms prescribed by the Department, on or before the twentieth day of the month following the month in which the sales of Other Tobacco Products occurred.
- (2) *Retail Cigarette Manufacturers.* It shall be the duty of every retail cigarette manufacturer to remit the tax due on cigarettes produced and sold on the premises, on forms prescribed by the Department, on or before the twentieth day of the month following the month in which the cigarette sales occurred.
- (3) *Retail tobacco dealers and/or retail cigarette manufacturers untaxed Other Tobacco Products.* It shall be the duty of every retail tobacco dealer and/or retail cigarette manufacturer that purchases or acquires Other Tobacco Products on which the tax set forth in this article on Other Tobacco Products has not been paid, to remit the tax due, on forms prescribed by the Department, on or before the twentieth day following the month in which the Other Tobacco Products for which taxes were not paid were sold in Cook County to a consumer.

(g) *Tax included in sales price.* It shall be deemed a violation of this article for a wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer to fail to include the tax imposed in this article in the sale price of cigarettes and other tobacco products to otherwise absorb such tax. The tax levied in this article shall be in addition to any and all other taxes.

(h) *Tax debt owed to County.* The tax required in this article to be remitted to the County shall constitute a debt owed by any wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer.

**Sec. 74-434. Tax-free sales.**

Wholesale tobacco dealers doing business in Cook County shall not pay or collect a tax with respect to cigarettes and/or other tobacco products which are otherwise subject to the tax when the cigarettes and/or other tobacco products are being sold to the following:

(a) Another wholesale tobacco dealer holding a valid Cook County tobacco wholesaler's registration certificate; or

(b) A wholesale tobacco dealer or a retail tobacco dealer when the selling wholesale tobacco dealer, or its agent, delivers the cigarettes or other tobacco products to a location outside of Cook County.

Additionally, a wholesale tobacco dealer's sale of other tobacco products to a consumer shall not be taxed so long as the sale occurs outside of Cook County.

**Sec. 74-435. Sales, possession, use or hindrance violations and penalties.**

(a) It shall be a violation of this article to engage in the sale, possession, or use of any cigarettes and/or other tobacco products subject to any tax provided by this article upon which said tax has not been paid or the stamps affixed and cancelled as herein required, including, as described in this article:

- (1) Counterfeit cigarettes or counterfeit other tobacco products.
- (2) Counterfeit tax stamps.
- (3) Improperly stamped packs.
- (4) Unstamped packs.

(b) It shall be a violation of this article for any wholesale tobacco dealer, retail tobacco dealer, or retail cigarette manufacturer to engage in any of the following:

- (1) Utilization of used or reused tax stamps by possessing or offering for sale or resale packs of cigarettes affixed with a used or reused tax stamp.
- (2) Concealment, as described in this article.
- (3) Sell or distribute loose cigarettes.
- (4) Sell cigarettes to any person, other than to another registered Cook County wholesale tobacco dealer, unless each package bears an unutilized Cook County tax stamp affixed, or where the selling wholesale tobacco dealer, or its agent, delivers the unstamped cigarettes to a location outside Cook County.
- (5) Hinder or prevent an authorized Department representative from performing an inspection or audit.

(c) Prima facie presumption. The sale, resale or possession by a wholesale tobacco dealer or retail tobacco dealer of altered/mutilated, counterfeit, used or reused tax stamps; or packs of counterfeit, improperly stamped, unstamped cigarettes or loose cigarettes; and the sale or resale, by a retail tobacco dealer or retail cigarette manufacturer, of Other Tobacco Products on which the tax provided by this article has not been paid shall give rise to the prima facie presumption that the wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer is in violation of the provisions of this article. Retail tobacco dealers and retail cigarette manufacturers shall be held strictly liable for violations of this ordinance that occur within their premises regardless of the employment status of the actual violator.

(d) Cigarette pack, tax stamp, loose cigarettes, other tobacco products and hindrance violation penalties.

Violation Type	Penalties Amount
<i>Concealment</i>	
1st Offense	\$2,000.00
2nd and each subsequent offense, an additional	4,000.00
<i>Counterfeit packs of cigarettes</i>	
40 or less	2,000.00
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	4,000.00
<i>Counterfeit tax stamps</i>	
Violation Type	Penalties Amount
<i>Concealment</i>	
40 or less	2,000.00
41 or more, per stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<i>Improperly stamped packs</i>	
40 or less	2,000.00

Violation Type	Penalties Amount
<i>Concealment</i>	
41 or more, per pack	50.00
2nd and each subsequent offense, an additional	2,000.00
<i>Loose cigarettes</i>	
40 or less	1,000.00
40 or more, per cigarette	25.00
2nd and each subsequent offense, an additional	2,000.00
<i>Other tobacco products</i>	
1st offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00
<i>Sales to unregistered wholesalers</i>	
1st offense	2,000.00
2nd and each subsequent offense, an additional	4,000.00
<i>Unstamped packs</i>	
40 packs or less	1,000.00
41 packs or more, per pack	25.00

2nd and each subsequent offense, an additional	2,000.00
<i>Utilization of used or reused tax stamps</i>	
40 or less packs or stamps	2,000.00
41 or more packs or stamps, per pack or stamp	50.00
2nd and each subsequent offense, an additional	4,000.00
<i>Hinder inspection or audit</i>	
1st offense	1,000.00
2nd and each subsequent offense, an additional	2,000.00

**Sec. 74-436. Other violation penalties.**

(a) Any person determined to have violated this article, as amended, excluding the violations described in Section 74-435 (Sales, possession, use or hindrance violations and penalties), shall be subject to a fine in the amount of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this article for any person to knowingly furnish false or inaccurate information to the Department.

(b) *Criminal penalties.* Every person who shall falsely make, alter, forge or counterfeit any tax stamp, or who, with intent to defraud the County, shall affix or cause to be affixed any counterfeit or altered stamp to any package of cigarettes, knowing said stamp to be counterfeit or altered, shall be guilty of a Class B misdemeanor, in addition to any other criminal penalties which may be applicable under Illinois or Federal law.

(c) *Criminal prosecution.* Criminal prosecution pursuant to this article shall in no way bar the right of the County to institute civil proceedings to recover delinquent taxes, interest and penalty due and owing as well as costs incurred for such proceeding.

**Sec. 74-437. Internet, mail order and outside-of-county purchases.**

(a) *Cigarettes.* With respect to cigarettes purchased over the internet, by mail order or outside the County, if the tax on cigarettes which is imposed pursuant to this article, as amended, has not been paid by a wholesaler or retailer prior to use or possession of the cigarette by a person within the County of Cook, such person shall be obligated to make payment of the tax directly to the Department. Within 30 days of purchase, such person shall file a return with the Department of Revenue and pay the tax, penalties and interest due under this article, as amended.

(b) *Other Tobacco Products.* With respect to other tobacco products purchased by a consumer over the internet, by mail order or outside the County, if the tax on such other tobacco products imposed pursuant to this article has not been collected and/or remitted to the County previously by a wholesale tobacco dealer, retail tobacco dealer or retail tobacco manufacturer prior to the sale of the other tobacco products to the consumer within the County of Cook, such consumer shall be obligated to remit the tax

due to the County, on forms prescribed by the Department, on or before the twentieth day following the month in which any such other tobacco products were purchased by the consumer.

**Sec. 74-438. Mutilation of tax stamps.**

It is unlawful for any person to mutilate a tax stamp herein required on any package of cigarettes before it is sold by a retail tobacco dealer.

**Sec. 74-439. Books and records to be kept.**

(a) *Wholesale tobacco dealer records of deliveries.* At the time of delivering cigarettes or Other Tobacco Products to any person doing business in the County of Cook, it shall be the duty of every wholesale tobacco dealer to make a true triplicate invoice, numbered serially, showing the date of delivery, the number of packages, the number of cigarettes contained therein in each shipment of cigarettes delivered, or amount of Other Tobacco Products delivered, and the name of the purchaser to whom delivery is made. The wholesale tobacco dealer shall issue one copy of the invoice to the purchaser, and shall retain one legible copy of the same for the use and inspection of the Department for the period of time as provided for in the Cook County Uniform Penalties, Interest and Procedures Ordinance (Section 34-60, et seq.).

(b) *Wholesaler and Retailer inventory purchases; sales; reconciliations.* It shall be the duty of every wholesale tobacco dealer and retail tobacco dealer to make or maintain cigarette and/or Other Tobacco Products inventory:

- (1) Purchase order documents, serially numbered, indicating the date; name, address of the person or business from whom the cigarettes or Other Tobacco Products were purchased; brand name, type and total number of packages to be purchased, in sequential date order.
- (2) Delivery or receipt documents, serially numbered indicating the date; name, address of the person or business to whom the cigarettes or Other Tobacco Products were delivered; brand name, type and total number of packs delivered, in sequential date order.
- (3) Wholesale tobacco dealer sales documents, serially numbered indicating the date; name, address of the person or business to whom the cigarettes or Other Tobacco Products were sold; brand name, type and total number of packs delivered, in sequential date order.
- (4) Retail tobacco dealer sales documents, indicating in sequential date order, brand name, type and total number of packs or amounts of Other Tobacco Products sold, each day.
- (5) Retail tobacco dealer cigarette inventory reconciliation, indicating daily, weekly or monthly beginning inventory, purchases, sales and ending inventory, in sequential date order.

- (6) Retail tobacco dealer monthly wholesaler list, indicating the name and address of each wholesaler from whom cigarette or Other Tobacco Products inventory was purchased; brand name; type and total number of packs purchased from each wholesaler.

(c) *Taxable and nontaxable transaction books and records.* It shall be the duty of all wholesale tobacco dealers, retail tobacco dealers, retail cigarette manufacturers and persons required by this article to collect and/or to pay the taxes herein imposed to keep and maintain all books, papers and records related to all transactions taxable and nontaxable under this article and to make such records available to the Director or a duly authorized representative who has been appointed by the Director, on request for inspection, audit and/or copying during regular business hours. The Department shall promulgate rules and regulations specifying the records that shall be kept by wholesale tobacco dealers, retail tobacco dealers, retail cigarette manufacturers and persons required by this article to collect and/or pay the taxes herein imposed, and may prescribe any forms appropriate in furtherance of this article. Books, papers and records which relate to a return filed or required to be filed with the Department shall be kept for the period as provided for in the Cook County Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.). The burden shall be on the wholesale tobacco dealers, retail tobacco dealers and retail cigarette manufacturers to keep records which verify the basis for any and all transactions which are claimed to be exempt from taxation pursuant to Section 74-434 of this article.

**Sec. 74-440. Inspections; audits.**

Books and records kept in compliance with Section 74-439 of this article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect or audit cigarette or Other Tobacco Products inventory in or upon any premises. An audit or inspection may include the physical examination of the cigarettes, packaging, cigarette tax stamps or Other Tobacco Products. It shall be unlawful for any person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this article. The Department shall be authorized to promulgate rules and procedures regarding hindrance violations.

**Sec. 74-441. Confiscate; seize; redemption penalty.**

(a) *Confiscation; seizure.* Whenever the Department or any of its duly authorized representatives shall discover any cigarettes and/or other tobacco products subject to any tax provided by this article upon which said tax has not been paid or the stamps affixed and cancelled as herein required, they are hereby authorized and empowered forthwith to confiscate; seize and take possession of such cigarettes and/or other tobacco products together with any vending machine; receptacle; container; vessel or holder in which they are held for sale except for money contained in such vending machine or receptacle, shall thereupon be deemed to be forfeited to the County of Cook.

(b) *Cigarette redemption penalty.* The Department shall either destroy the cigarettes seized or may permit the Wholesale Tobacco Dealer from whom the said cigarettes were seized, to redeem the cigarettes and/or any vending machine or receptacle seized therewith, by the payment of a Redemption Penalty equal to 100 percent of the tax due, and including the cost incurred in such proceeding. Such seizure, destruction, and sale,

or redemption shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provision of this article.

Every retail tobacco dealer shall post a sign issued by the Department, indicating the offer to sell, the sale or purchase of unstamped packs or loose cigarettes is unlawful. The sign shall be posted in a conspicuous location, to anyone purchasing cigarettes, at the retailer's place of business.

**Sec. 74-443. Wholesale tobacco dealer quarterly returns.**

A sworn quarterly cigarette and/or other tobacco products Revenue Information return shall be filed by each wholesale tobacco dealer with the Department, on forms prescribed by the Department. The return shall be filed on or before the last day of the first month following the preceding quarter. Every wholesale tobacco dealer required to file a tax return under this section, who does not file such tax return by its due date, or alternatively does not provide all required information on such tax return, shall be subject to the penalties that are provided for in Section 74-436 of this article in addition to all other penalties and interest that may be due as provided in the Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.). Quarterly returns, books and records, papers and original source documents that provide support for the information that is included in the return filed with the Department, shall be kept for the period as provided in the Cook County Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.).

**Sec. 74-444. Failure to file a return and/or remit tax.**

In case of failure to file a tax return and remit this tax when due, the Department may assess penalties and interest as provided for in this article and/or the Cook County Uniform Penalties, Interest and Procedures Ordinance (Section 34-60 et seq.).

**Sec. 74-445. Authority to sell stamp; agents; credits/refunds.**

(a) *Cigarette tax stamps.* The Department shall contract for and furnish tax stamps of such denominations and quantities as may be necessary for the payment of the tax imposed on cigarettes by this article, and may, from time to time, provide for the issuance and exclusive use of stamps of a new design and forbid the use of stamps of any other design.

(b) *Agents.* The Department may appoint wholesale tobacco dealers of cigarettes and any other person within or without the County as agents to affix stamps to be used in paying the tax hereby imposed on cigarettes and said agent is hereby authorized to appoint other persons in his employ who are to affix said stamps to any cigarettes under his control in the manner prescribed by the rules and regulations promulgated by the Department. Whenever the Department shall sell, consign or deliver to any such agent any such stamps, such agent shall be entitled to receive compensation for his services and expenses in affixing such stamps, and to retain use of the monies to be paid by him for such stamps as a commission. The Department is hereby authorized to prescribe a schedule of commissions not exceeding five percent allowable to such agent for affixing such stamps. Such schedule shall be uniform for each type and denomination of stamp used and may be on a graduated scale with respect to the number of stamps purchased. The Department may, in its discretion, permit an agent to pay for such stamps within 30 days after the date of sale,

consignment, or delivery of such stamps to such agent, provided a bond or bank letter of credit satisfactory to the Department and approved as to form and legality by the State's Attorney shall be submitted by said agent to the Department, in an amount equal to the value of such stamps. The Department, with approval from the State's Attorney, shall issue regulations pursuant to Section 74-435 regarding the use of such bonds or bank letters of credit.

(c) *Credits or Refunds.* The Department may redeem unused tax stamps lawfully on the possession of any person. Any person seeking credit and/or a refund for unused tax stamps, tax stamps affixed to packages of cigarettes returned to a manufacturer, or for the replacement of tax stamps, must file a claim in writing on forms prescribed by the Department. This form must be filed with the Department no later than 12 months after the month in which the tax remittance or tax payment was made to the Department. The United States post mark date or date of physical/actual receipt is used, by the Department, to determine if a credit or refund is filed timely. No person shall sell or offer for sale any stamp issued under this article, except by written permission of the Department. The Department may prescribe rules and regulations concerning refunds, sales of stamps and redemption under the provisions of this article.

**Sec. 74-446. Single state and county stamp and monthly tax return.**

(a) *Single state and county stamp.* Notwithstanding the provisions of Subsection 74-433(b), Section 74-435, and Subsection 74-445(a) of this article, the Department may provide by regulation that the tax imposed by this article shall, in the alternative, be collected by means of the issuance and sale of a single tax stamp to be prepared jointly with the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) evidencing the payment of the tax imposed by this article. Toward that end, the Department may make such arrangements and agreements with the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) as may be required with respect to the method of acquiring, affixing, canceling and the manner of sharing the cost of such joint single tax stamps, and may establish procedures for payment of that portion of the tax revenue collected by the Department of Revenue of the State of Illinois (and/or the City Comptroller of the City of Chicago) due and payable to the County of Cook, in furtherance of the purposes of this article. In the event such alternative method as herein provided is utilized, no other method of collecting said tax may be used within the relevant jurisdiction; however, all other applicable provisions of this article shall nevertheless remain in full force and effect.

(b) *Monthly tax return.* Notwithstanding the provisions of Subsection 74-433(b), Section 74-435, Subsection 74-445(a) and subsection (a) of this section, the Department may provide by regulation that the tax imposed on cigarettes by this article, in the alternative, shall be collected by means of the filing of a sworn tax return to be prepared and filed by every wholesale tobacco dealer who sells cigarettes for consumption in the County of Cook. Said return shall be filed on a monthly basis and shall contain the same information required by Subsection 74-445(b) of this article. Said return shall be filed with the Department on or before the fifteenth day of each month stating such other and further information as may be required by the Department, and said return shall be accompanied by a certified check in the amount of the tax due and payable upon such taxable sales made by said wholesale tobacco dealer in the County of Cook during the preceding month. In the event such alternative method is utilized, no other method of collecting said tax may be

used; however, all other applicable provisions of this article shall remain in full force and effect with the exception of the necessity of filing a quarterly tax return as provided in Section 74-443 of this article, which shall not be required.

**Sec. 74-447. Rulemaking.**

(a) The Department shall prescribe reasonable rules, definitions, and regulations necessary to carry out the duties imposed upon it by this article. Such rules, definitions, and regulations shall include, but not be limited to, reasonable procedures consistent with existing practices of wholesale tobacco and retail tobacco dealers for collection and remittance of the tax herein levied.

(b) The Department may appoint wholesale tobacco dealers and any other person within or without the County of Cook as agents for the tax herein levied. The Department is hereby authorized to grant a commission not exceeding .0045 or .45 percent per cigarette tax stamp sold by the County of Cook to such agent for services rendered in connection with the tax herein levied (in Section 74-433), provided said tax is remitted, in full, by the due date.

(c) Within 30 days after the effective date of this article every wholesale tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of cigarettes in their possession or control on ~~March 1, 2006~~ March 1, 2013. With said inventory, the wholesale tobacco dealer shall submit a Department issued tax return and pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this article, as amended, with respect to all stamped cigarettes which were in such wholesale tobacco dealer's possession on ~~March 1, 2006~~ March 1, 2013.

(d) Within 30 days after the effective date of this article every retail tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of cigarettes in their possession or control on ~~March 1, 2006~~ March 1, 2013. With said inventory, the retail tobacco dealer shall submit a Department issued tax return and pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this article, as amended, with respect to all cigarettes which were in such retail tobacco dealer's possession on ~~March 1, 2006~~ March 1, 2013.

(e) Within 30 days after the effective date of this article every retail tobacco dealer doing business in the County of Cook shall file with the Department, on forms prescribed by it, a sworn inventory of tobacco products in their possession or control on June 1, 2006. With said inventory, the retail tobacco dealer shall pay to the Cook County Collector the taxes due, including any additional taxes due as a result of this article, as amended, with respect to all tobacco products which were in such retail tobacco dealer's possession on June 1, 2006.

(f) Every retail tobacco dealer required to file a tax return under this section who does not file such tax return by its due date, or alternatively does not provide all required information on such tax return, or fails to pay all required tax due computed thereon, shall be subject to a penalty of \$1000.00 per business location required to be reported on the tax return, in addition to all other penalties and interest that may be due under the provisions of Chapter 34, Article III, Uniform Penalties, Interest and Procedures

and Chapter 74-436 of this article.

In the event a wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer collects an amount in excess of the tax imposed by this article, as amended, which amount is purported to be a collection thereof, and said wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer fails to return the said excess amount to the purchaser who paid the tax, the said wholesale tobacco dealer, retail tobacco dealer or retail cigarette manufacturer who collected the tax shall account for and pay over all such excess amounts to the Department along with the tax properly collected.

**Sec. 74-449. Deposit of tax proceeds.**

All proceeds resulting from the imposition of the tax under this article, including penalties, shall be paid to the Department. The Department shall direct every dollar collected from the 2006 13 increase in the rate of the Home Rule Tobacco Tax to be deposited into the funds of the ~~Cook County Bureau of Health~~ Cook County Health and Hospitals System for Fiscal Year 2013 as approved by the Budget Director. Deposit of tax proceeds following Fiscal Year 2013 shall be deposited into various funds and/or accounts as prescribed by the Budget Director.

**Sec. 74-450. Application of uniform penalties, interest and procedures ordinance.**

Whenever not inconsistent with the provision of this article or whenever this article is silent, the provisions of the uniform penalties, interest and procedures ordinance, Article III, Chapter 34 of the Cook County Code of Ordinances shall apply and supplement this article.

**Effective date:** This Ordinance Amendment shall be effective March 1, 2013.

**\*Referred to the Committee on Finance on 10/18/12.**

**Commissioner Reyes moved to accept a Substitute Ordinance Amendment to Communication No. 320466. The motion died due to lack of a second.**

**Commissioner Suffredin, seconded by Commissioner Tobolski moved to approve Communication No. 320466. Commissioner Beavers called for a roll call, the vote of yeas and nays being as follows:**

**Roll Call on Motion to Approve the Proposed Ordinance Amendment  
(Communication No. 320466)**

**Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Gainer, Garcia, Goslin, Reyes, Steele, Suffredin, and Tobolski (10)**

**Nays: Commissioner Beavers, Collins, Fritchey, Gorman, Schneider and Silvestri (6)**

**Absent: Commissioners Murphy (1)**

**The motion to approve Communication No. 320466 carried, and the proposed amendment to the Tobacco Tax Ordinance was adopted.**

**Commissioner Garcia, seconded by Commissioner Tobolski, moved to reconsider the vote by which the Communication No. 320466 was adopted. On a reverse roll call, the motion to reconsider failed.**

320467 **DEPARTMENT OF REVENUE.** Transmitting a Communication dated October 18, 2012 from Zahra Ali, Director.

In accordance with the Executive Budget for fiscal year 2013, transmitting herewith a proposed ordinance creating the Cook County Gambling Machine Tax for consideration.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, Jesus G. Garcia, Robert B. Steele, County Commissioners.

PROPOSED ORDINANCE

**GAMBLING MACHINE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XVIII Gambling Machine Tax, Sections 74-625 through 74-639 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XVIII. GAMBLING MACHINE TAX.**

**Sec. 74-625. Short title.**

This Article shall be known and may be cited as the "Gambling Machine Tax Ordinance".

**Sec. 74-626. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Department* means the Department of Revenue in the Bureau of Finance of Cook County.

*Director* means the director of the Department of Revenue.

*Gambling Machine* shall mean (1) a machine or mechanical, electrical, or electronic device utilized in or primarily designed for gambling, and includes any clock, tape machine, slot machine, video machine, or other machine, for the reception of money or other thing of value on chance or skill is staked, hazarded, bet, won or lost, but does not include gambling devices excepted from the Illinois Criminal Code, 720 ILCS 5/28-2(a)(1) through 5/28-2(a)(4); and (2) a video gaming terminal, as defined in the Illinois Video Gaming Act, 230 ILCS 40/5. If a machine consists of more than one game monitor which permits individuals to play separate games simultaneously, each separate game monitor shall be deemed Gambling Machine.

*Owner* means any individual, corporation, limited liability corporation,

organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity that owns a Gambling Machine.

*Person* means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Sheriff* means the Sheriff's Office of Cook County, Illinois.

**Sec. 74-627. Registration.**

(a) Any owner of a Gambling Machine to be played or operated by the public at any place in the county and person which currently displays a Gambling Machine, to be played or operated by the public at any place owned or leased by such person, shall register with the department within twenty (20) days after the effective date of this article that they own or display a Gambling Machine for public use in the County.

(b) Any owner of a Gambling Machine to be played or operated by the public at any place in the county and any person which displays a Gambling Machine, to be played or operated by the public at any place owned or leased by such person after the effective date of this article, and which is not otherwise subject to registration under this section 74-627 shall register with the department that they own or display a Gambling Machine for public use in the County prior to making the Gambling Machine available for play or operation by the public in the County.

(c) Registration shall be made to the department through a form furnished by the department for such purpose, and shall contain such information as the department requires. An owner of a Gambling Machine who makes a Gambling Machine available for operation or play by the public in the County will be required to remit the tax at the time of registration or in the timeframe otherwise required by the department.

**Sec. 74-628. Tax Imposed.**

(a) *Tax Rate.* For each 12-month period as established by the director, an annual tax in the amount of \$800 is imposed upon each Gambling Machine shall be paid by the owner and shall be applicable for Gambling Machines that are displayed by a person for play or operation by the public in Cook County. The tax imposed may be made pro-ratable by the director under such policies, procedures, rules, and forms as may be promulgated by said director and shall be paid by the owner of the machine.

(b) *Additional Taxes.* The tax imposed in this article is in addition to all other taxes imposed by the County, the State of Illinois or any municipal corporation or political subdivision of any of the foregoing.

**Sec. 74-629. Tax Remittance, Emblem and Display; Additional Information for Machine.**

(a) Before any Gambling Machine is made available for use by public in the county, the owner of the Gambling Machine who makes the Gambling Machine available to a person displaying a Gambling Machine, to be played or operated by the public at any place owned or leased by such person shall remit the tax due to the department, in accordance with the policies, procedures, rules, and forms promulgated by the department.

(b) The director shall issue as evidence of the payment of the tax a non-refundable and non-transferable, self-voiding adhesive tax emblem which shall be affixed to each Gambling Machine. Such emblem shall be valid from the date of issuance through the date set forth thereon. Such emblem shall bear the words "County of Cook Gambling Machine Tax", and such other wording as may be proscribed by the director.

(c) No owner or person shall make a Gambling Machine available for play or operation by the public in the county unless (1) the tax has been paid on said Gambling Machine and is evidenced by the tax emblem conspicuously affixed to the Gambling Machine; and (2) the Gambling Machine is plainly labeled with the name, address and telephone number of the person displaying the Gambling Machine for play or operation by the public, and such information as may be required by the director through policy, procedure, rule, or form.

(d) No owner or person shall take, destroy, remove, alter, deface, mutilate, obliterate, or make illegible the tax emblem provided for in this section during the year for which it was issued, or make available to the public in the county a Gambling Machine if the tax emblem or label has been taken, destroyed, removed, altered, defaced, mutilated, obliterated, or has become illegible.

**Sec. 74-630. Removal of Emblem Upon Transfer of Display.**

Immediately upon the transfer of ownership of a Gambling Machine that is displayed for play or operation by the public within the county, when such transfer is made prior to the expiration date set forth on the emblem provided for in this article, the transferor shall remove said emblem from the machine so transferred. It shall be the duty of the transferee of said machine to remove and deliver to the transferor such emblem if still affixed to said machine at the time of transfer. It shall be unlawful for any such transferee to display such Gambling Machine for play or operation by the public within the County without first having removed said emblem.

**Sec. 74-631. Unlawful Use of Emblem on Other Machine.**

It shall be unlawful for any owner or person to affix or cause to be affixed the emblem provided for in this article on any Gambling Machine other than the Gambling Machine upon which said emblem was intended to be affixed at the time of issuance by the department.

**Sec. 74-632. Transfer of Ownership, Refund.**

Whenever an owner transfers the ownership of a Gambling Machine to a another

owner or person, such owner is no longer responsible for the tax and may apply to the department for a pro-rated refund of the corresponding tax paid, which application shall include a surrender of the corresponding tax emblem or suitable proof that the emblem has been inadvertently destroyed, provided, however, that the department shall not refund the tax associated with any emblem that is defaced or mutilated so as to prevent identification thereof.

**Sec. 74-633. Duplicate Emblem.**

In the event an emblem provided for in this article is lost, stolen, defaced, mutilated, or destroyed, the department may issue a duplicate emblem upon receipt of a \$100 replacement fee.

**Sec. 74-634. Violations, penalties.**

(a) It shall be unlawful for any owner or person to display a Gambling Machine for play or operation by the public within the County unless (1) the owner of the Gambling Machine and person displaying the Gambling Machine for play or operation by the public within the County has registered with the department; (2) the tax has been paid on said Gambling Machine and is evidenced by the tax emblem conspicuously affixed to the Gambling Machine; and (2) the Gambling Machine is plainly labeled with the name, address and telephone number of the owner of the Gambling Machine. If at any time a Gambling Machine does not bear the emblem required by this article, the person displaying the Gambling Machine, to be played or operated by the public at any place owned or leased by such person and the owner shall be jointly and severally liable for a fine of \$1,000 for the first offense relative to the Gambling Machine, and \$2,000 for any subsequent offense relative to any Gambling Machine. Every day such violation continues shall constitute a separate and distinct offense.

(b) It shall be unlawful for any owner or person to take, destroy, remove, alter, deface, mutilate, obliterate, or make illegible the tax emblem provided for in this section during the year for which it was issued, or make available to the public for play or operation in the county a Gambling Machine if the tax emblem or label has been taken, destroyed, removed, altered, defaced, mutilated, obliterated, or has become illegible. Any person or owner who, without authority, takes, destroys, removes, alters, defaces, mutilates, obliterates, or makes illegible the emblem provided for in this article, shall be fined \$1,000.00 for each offense. Every such unauthorized taking, destruction, removal, obliteration, or making illegible of said emblem shall constitute a separate offense.

**Sec. 74-635. Books and Records.**

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to this ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Article III, Section 34-60 of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

**Sec. 74-636. Inspection; audits.**

Books and records kept in compliance with this article shall be made available to

the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect any premises for the display of Gambling Machines. It shall be unlawful for any owner or person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this article.

**Sec. 74-637. Rulemaking Authority.**

The department may promulgate policies, procedures, rules, definitions and forms to carry out the duties imposed by this ordinance. As far as practicable in accordance with the purposes of this ordinance, such procedures, regulations, rules, policies, and forms shall be consistent with the practices of the Gambling Machine industry.

**Sec. 74-638. Application of uniform penalties, interest, and procedures ordinance.**

Whenever not inconsistent with the provisions of this article, of whenever this article is silent, the provisions of the uniform penalties, interest, and procedures ordinance, Article III, Chapter 34 of the Cook County Code of Ordinances, shall apply to and supplement this article.

**Sec. 74-639. Enforcement and Inspection, Sheriff.**

The department shall enforce this article and the Sheriff and the Sheriff's Police are authorized to assist the Department, in said enforcement, including issuing citations hereunder.

**Effective date:** This Ordinance shall be effective April 1, 2013.

**\*Referred to the Committee on Finance on 10/18/12.**

**Vice Chairman Sims, seconded by Commissioner Silvestri, moved to accept a Substitute Amendment for Communication No. 320467. The motion carried, and Communication No. 320467 was amended by substitution, as follows: Commissioner Suffredin voted present, and Commissioner Beavers voted no on the motion to accept the substitute.**

**SUBSTITUTE FOR COMMUNICATION NO. 320467**

TONI PRECKWINKLE, President, Cook County Board of Commissioners and JERRY BUTLER, JOHN P. DALEY, JOHN A. FRITCHEY, JESUS G. GARCIA, EDWIN REYES, DEBORAH SIMS, and ROBERT STEELE, Commissioners

**GAMBLING MACHINE TAX**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XVIII Gambling Machine Tax, Sec. 74-625 through Sec. 74-639 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XVIII. GAMBLING MACHINE TAX.**

**Sec. 74-625. – Short title.**

This Article shall be known and may be cited as the “Gambling Machine Tax Ordinance”.

**Sec. 74-626. –Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Department* means the Department of Revenue in the Bureau of Finance of Cook County.

*Director* means the director of the Department of Revenue.

*Gambling Device* shall mean (1) a machine or mechanical, electrical, or electronic device utilized in or primarily designed for gambling, and includes any clock, tape machine, slot machine, video machine, or other machine, for the reception of money or other thing of value on chance or skill is staked, hazarded, bet, won or lost, but does not include gambling devices excepted from the Illinois Criminal Code, 720 ILCS 5/28-2(a)(1) through 5/28-2(a)(4) or video gaming terminals, as defined in the Illinois Video Gaming Act, 230 ILCS 40/5.

~~*Gambling Machine* shall mean (1) a machine or mechanical, electrical, or electronic device utilized in or primarily designed for gambling, and includes any clock, tape machine, slot machine, video machine, or other machine, for the reception of money or other thing of value on chance or skill is staked, hazarded, bet, won or lost, but does not include gambling devices excepted from the Illinois Criminal Code, 720 ILCS 5/28-2(a)(1) through 5/28-2(a)(4) a Gambling Device as defined in this article; and (2) a video gaming terminal, as defined in the Illinois Video Gaming Act, 230 ILCS 40/5. If a Gambling Machine consists of more than one game monitor which permits individuals to play separate games simultaneously, each separate game monitor shall be deemed Gambling Machine.~~

*Owner* means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity that owns a Gambling Machine.

*Person* means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Sheriff* means the Sheriff’s Office of Cook County, Illinois.

*Video Gaming Terminal* means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game, including but not limited to video poker, line up, and blackjack, utilizing a video display and microprocessors in which the player may receive free games or credits that can be redeemed for cash and as further defined under the Video Gaming Act, 230 ILCS 40/5. The term does not include a machine that directly dispenses coins, cash, or tokens or is for amusement purposes only.

**Sec. 74-627. – Registration.**

- (d) Any owner of a Gambling Machine to be played or operated by the public at any place in the county and person which currently displays a Gambling Machine, to be played or operated by the public at any place owned or leased by such person, shall register with the department within twenty (20) days after the effective date of this article that they own or display a Gambling Machine for public use in the County.
- (e) Any owner of a Gambling Machine to be played or operated by the public at any place in the county and any person which displays a Gambling Machine, to be played or operated by the public at any place owned or leased by such person after the effective date of this article, and which is not otherwise subject to registration under this section 74-627 shall register with the department that they own or display a Gambling Machine for public use in the County prior to making the Gambling Machine available for play or operation by the public in the County.
- (f) Registration shall be made to the department through a form furnished by the department for such purpose, and shall contain such information as the department requires. An owner of a Gambling Machine who makes a Gambling Machine available for operation or play by the public in the County will be required to remit the tax at the time of registration or in the timeframe otherwise required by the department.

**Sec. 74-628. – Tax Imposed.**

A tax is imposed upon each Gambling Machine that is displayed by a person for play or operation by the public in Cook County, as follows:

- (a) ~~*Tax Rate.* For each 12-month period as established by the director, an annual tax in the amount of \$800 is imposed upon each Gambling Machine shall be paid by the owner and shall be applicable for Gambling Machines that are displayed by a person for play or operation by the public in Cook County. The tax imposed may be made pro-ratable by the director under such policies, procedures, rules, and forms as may be promulgated by said director and shall be paid by the owner of the machine.~~ *Tax Rate on Gambling Device.* For each 12-month period as established by the director, an annual tax in the amount of \$1000 is imposed upon each Gambling Device; said tax shall be paid by the owner and shall be applicable for Gambling Devices that are displayed by a person for play or operation by the public in Cook County. The tax imposed may be made pro-ratable by the director under such policies, procedures, rules, and forms as may be promulgated by said director and shall be paid by the owner of the machine.
- (b) ~~*Additional Taxes.* The tax imposed in this article is in addition to all other taxes imposed by the County, the State of Illinois or any municipal corporation or political subdivision of any of the foregoing.~~ *Tax Rate on Video Gaming Terminal.* For each 12-month period as established by the director, an annual tax in the amount of \$200 is imposed upon each Video Gaming Terminal; said tax shall be paid by the owner and shall be applicable for Video Gaming Terminals that are displayed by a person for play or operation by the public in Cook County. The tax imposed may be made pro-ratable by the director under such policies, procedures, rules, and forms as may be promulgated by said director and shall be paid by the owner of the video gaming terminal.
- (c) *Additional Taxes.* The taxes imposed in this article is in addition to all other taxes imposed by the County, the State of Illinois or any municipal corporation or political subdivision of any of the foregoing.

**Sec. 74-629. – Tax Remittance, Emblem and Display; Additional Information for Machine.**

- (e) Before any Gambling Machine is made available for use by public in the county, the owner of the Gambling Machine who makes the Gambling Machine available to a person displaying a Gambling Machine, to be played or operated by the public at any place owned or leased by such person shall remit the tax due to the department, in accordance with the policies, procedures, rules, and forms promulgated by the department.
- (f) The director shall issue as evidence of the payment of the tax a non-refundable and non-transferable, self-voiding adhesive tax emblem which shall be affixed to each Gambling Machine. Such emblem shall be valid from the date of issuance through the date set forth thereon. Such emblem shall bear the words “County of Cook Gambling Machine Tax”, and such other wording as may be proscribed by the director.
- (g) No owner or person shall make a Gambling Machine available for play or operation by the public in the county unless (1) the tax has been paid on said Gambling Machine and is evidenced by the tax emblem conspicuously affixed to the Gambling Machine; and (2) the Gambling Machine is plainly labeled with the name, address and telephone number of the person displaying the Gambling Machine for play or operation by the public, and such information as may be required by the director through policy, procedure, rule, or form.
- (h) No owner or person shall take, destroy, remove, alter, deface, mutilate, obliterate, or make illegible the tax emblem provided for in this section during the year for which it was issued, or make available to the public in the county a Gambling Machine if the tax emblem or label has been taken, destroyed, removed, altered, defaced, mutilated, obliterated, or has become illegible.

**Sec. 74-630. – Removal of Emblem Upon Transfer of Display.**

Immediately upon the transfer of ownership of a Gambling Machine that is displayed for play or operation by the public within the county, when such transfer is made prior to the expiration date set forth on the emblem provided for in this article, the transferor shall remove said emblem from the machine so transferred. It shall be the duty of the transferee of said machine to remove and deliver to the transferor such emblem if still affixed to said machine at the time of transfer. It shall be unlawful for any such transferee to display such Gambling Machine for play or operation by the public within the County without first having removed said emblem.

**Sec. 74-631. – Unlawful Use of Emblem on Other Machine.**

It shall be unlawful for any owner or person to affix or cause to be affixed the emblem provided for in this article on any Gambling Machine other than the Gambling Machine upon which said emblem was intended to be affixed at the time of issuance by the department.

**Sec. 74-632. – Transfer of Ownership, Refund.**

Whenever an owner transfers the ownership of a Gambling Machine to a another owner or person, such owner is no longer responsible for the tax and may apply to the department for a pro-rated refund of the corresponding tax paid, which application shall include a surrender of the corresponding tax emblem or suitable proof that the emblem has been inadvertently destroyed, provided, however, that the department shall not refund the tax associated with any emblem that is defaced or mutilated so as to prevent identification thereof.

**Sec. 74-633. – Duplicate Emblem.**

In the event an emblem provided for in this article is lost, stolen, defaced, mutilated, or destroyed, the department may issue a duplicate emblem upon receipt of a \$100 replacement fee.

**Sec. 74-634. – Violations, penalties.**

- (c) It shall be unlawful for any owner or person to display a Gambling Machine for play or operation by the public within the County unless (1) the owner of the Gambling Machine and person displaying the Gambling Machine for play or operation by the public within the County has registered with the department; (2) the tax has been paid on said Gambling Machine and is evidenced by the tax emblem conspicuously affixed to the Gambling Machine; and (2) the Gambling Machine is plainly labeled with the name, address and telephone number of the owner of the Gambling Machine. If at any time a Gambling Machine does not bear the emblem required by this article, the person displaying the Gambling Machine, to be played or operated by the public at any place owned or leased by such person and the owner shall be jointly and severally liable for a fine of \$1,000 for the first offense relative to the Gambling Machine, and \$2,000 for any subsequent offense relative to any Gambling Machine. Every day such violation continues shall constitute a separate and distinct offense.
  
- (d) It shall be unlawful for any owner or person to take, destroy, remove, alter, deface, mutilate, obliterate, or make illegible the tax emblem provided for in this section during the year for which it was issued, or make available to the public for play or operation in the county a Gambling Machine if the tax emblem or label has been taken, destroyed, removed, altered, defaced, mutilated, obliterated, or has become illegible. Any person or owner who, without authority, takes, destroys, removes, alters, defaces, mutilates, obliterates, or makes illegible the emblem provided for in this article, shall be fined \$1,000.00 for each offense. Every such unauthorized taking, destruction, removal, obliteration, or making illegible of said emblem shall constitute a separate offense.

**Sec. 74-635. – Books and Records.**

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to this ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Article III, Section 34-60 of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

**Sec. 74-636. – Inspection; audits.**

Books and records kept in compliance with this article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect any premises for the display of Gambling Machines. It shall be unlawful for any owner or person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this article.

**Sec. 74-637. – Rulemaking Authority.**

The department may promulgate policies, procedures, rules, definitions and forms to carry out the duties imposed by this ordinance. As far as practicable in accordance with the purposes of this ordinance, such procedures, regulations, rules, policies, and forms shall be consistent with the practices of the Gambling Machine industry.

**Sec. 74-638. – Application of uniform penalties, interest, and procedures ordinance.**

Whenever not inconsistent with the provisions of this article, of whenever this article is silent, the provisions of the uniform penalties, interest, and procedures ordinance, Article III, Chapter 34 of the Cook County Code of Ordinances, shall apply to and supplement this article.

**Sec. 74-639. – Enforcement and Inspection, Sheriff.**

The department shall enforce this article and the Sheriff and the Sheriff's Police are authorized to assist the Department, in said enforcement, including issuing citations hereunder.

**Effective date:** This Ordinance shall be effective ~~April 1, 2013~~ June 1, 2013.

**Commissioner Silvestri, seconded by Vice Chairman Sims, moved to approve the Proposed Substitute to Communication No. 320467. Commissioner Beavers called for a roll call, the vote of yeas and nays being as follows:**

**Roll Call on Motion to Approve the Proposed Substituted  
(Communication No. 320467)**

**Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Collins, Fritchey, Gainer, Garcia, Gorman, Goslin, Reyes, Silvestri, and Steele (12)**

**Nays: Commissioner Beavers, Schneider and Tobolski (3)**

**Present: Commissioner Suffredin (1)**

**Absent: Commissioners Murphy (1)**

**The motion to approve Communication No. 320467 carried, and the proposed substitute amendment to the Gambling Machine Tax Ordinance was adopted.**

**Commissioner Garcia, seconded by Commissioner Reyes, moved to reconsider the vote by which the Communication No. 320467 was adopted. On a reverse roll call, the motion to reconsider failed.**

320468 **DEPARTMENT OF REVENUE.** Transmitting a Communication dated October 18, 2012 from Zahra Ali, Director.

In accordance with the Executive Budget for Fiscal Year 2013, transmitting herewith a proposed ordinance creating the Cook County Non-Titled Personal Property Use Tax for consideration.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE

**NON-TITLED PERSONAL PROPERTY USE TAX**

**WHEREAS**, businesses in Cook County who purchase non-titled tangible personal property in Cook County often are at a competitive disadvantage among competitors who acquire non-titled personal property outside of Cook County for use within Cook County; and

**WHEREAS**, businesses in Cook County that sell non-titled personal property often are at a competitive disadvantage among competitors that sell non-titled personal property outside of Cook County for use within Cook County; and

**WHEREAS**, due to changes in industry norms and practices, there has appeared a widening tax loophole through which persons in Cook County are in a position to purposely avoid the sales tax associated with the acquisition of non-titled personal property for use within Cook County; and

**WHEREAS**, it is in the interest of Cook County to take steps that will level the playing field among business interests, close tax loopholes, and incentivize the purchase of non-titled personal property within the County for use within Cook County.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XIX Non-Titled Personal Property Use Tax, Sections 74-650 through 74-662 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XIX. NON-TITLED PERSONAL PROPERTY USE TAX.**

**Sec. 74-650. Short title.**

This Article shall be known and may be cited as the "Cook County Use of Non-Titled Personal Property Tax Ordinance."

**Sec. 74-651. Definitions.**

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*County* means the County of Cook.

*Department* means the county's department of revenue.

*Director* means the director of the department.

*Illinois Use Tax Act* means the State of Illinois' Use Tax Act, codified at 35 ILCS 1-5/1 et. seq., as from time to time amended, or any successor statute.

*Non-titled personal property* means tangible personal property, as set forth in the Illinois Use Tax Act, other than tangible personal property that is registered or titled with an agency of the State.

*Person* means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Personal property* means any tangible property other than realty.

*Use* means the exercise of any right to, or power over, personal property incident to ownership of that property, but does not include (1) the sale of personal property in any form as personal property in the regular course of business to the extent that the property is not first subjected to a use for which it was purchased; (2) the use of property for demonstration purposes; (3) the interim use of personal property by a retailer before the retailer sells the property; or (4) the physical incorporation of personal property, to the extent first subjected to a use for which is was purchased, as an ingredient or constituent into other personal property which is sold in the regular course of business or which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported to destinations outside the county.

*Value* means an accurate assessment or evaluation of a non-titled personal property's worth when first subject to use in the county.

(b) All words or terms used in this article that are not defined herein or in the uniform penalties, interest, and procedures ordinance, Article III, Chapter 34 of the Cook County Code of Ordinances, as from time to time amended, or any successor ordinance, shall have, to the extent applicable and where the context admits, the meaning set forth in the Illinois Use Tax Act or as otherwise prescribed by rule by the Director.

**Sec. 74-652. Tax imposed.**

(a) Except as otherwise provided in Sections 74-655 and 74-666 of this article, a tax is imposed upon the privilege of using in the county non-titled personal property which was purchased outside of the county. The tax shall be at the rate of 1.25% of the non-titled personal property's value when first subject to use in the County.

(b) The tax imposed by this article and the obligation to pay the tax is upon the purchaser or user of non-titled personal property.

(c) The tax imposed by this article shall be payable whenever said non-titled personal property is first subject to use in the county. Evidence that the purchaser resides or that property was delivered to a location in the county shall be prima facie evidence that the property is purchased for use in the county and first used in the county on the date of delivery.

(d) Nothing in this article shall be construed to impose a tax upon any business or activity which, under the constitution and laws of the United States or the State of Illinois, may not be made the subject of taxation by the County.

(e) The tax is imposed, in addition to all other taxes imposed by the County of Cook, the State of Illinois, or any other municipal corporation or political subdivision of the State of Illinois.

**Sec. 74-653. Registration.**

Every person in Cook County who, in the course of business, acquires non-titled personal property that is subject to this tax shall register with the department in the time, form, and manner required by the department under such policies, procedures, rules, and forms as are promulgated by the department.

**Sec. 74-654. Annual Tax Credit.**

Any person with a tax liability under this ordinance may apply to the department for an annual tax credit up to \$31.25 in the form and manner as prescribed by the department. Upon its granting, the credit shall be applied against the person's aggregate tax liability arising under this article for each taxable year; provided, however, that no portion of the tax credit for a particular taxable year shall apply against a tax liability arising in another taxable year; and further provided that if a person is liable for the tax in an amount less than \$31.25, the tax credit shall in no way result in the disbursement of county proceeds.

**Sec. 74-655. Exempt non-titled personal property.**

Notwithstanding any other provision of this article, purchases or uses of the following non-titled personal property are not subject to the tax imposed by this article:

(a) Items of non-titled personal property which are exempt from tax under the provisions of the Illinois Use Tax Act, to the extent that the exemptions contained therein are not inconsistent with the provisions of this article.

(b) Food for human consumption which is to be consumed off the premises where it is sold, other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption within the county.

(c) Prescription and non-prescription medicines, drugs, medical appliances

used by persons who are public-aid recipients in nursing homes; and insulin, urine testing materials, syringes, and needles used by natural persons who are diabetics for personal use.

**Sec. 74-656. Exempt uses.**

Notwithstanding any other provision of this article, the following purchases and uses of non-titled personal property are not subject to the tax imposed by this article:

(a) The use in the county of non-titled personal property acquired outside the county by a nonresident natural person if the property is brought into the county by the person for his or her own use while temporarily in the county or while passing through the county.

(b) The use of non-titled personal property by (1) an interstate carrier for hire as rolling stock moving in interstate commerce; or (2) the lessor under a lease of at least one year, executed or in effect at the time of purchase of the property, to an interstate carrier for hire as rolling stock moving in interstate commerce, but only so long as the property is used by the interstate carrier for hire.

(c) The use by an owner, lessor, or shipper of non-titled personal property which is utilized by interstate carriers for hire as rolling stock moving in interstate commerce as so used by inter

(d) state carriers for hire.

(e) The temporary storage in the county of non-titled personal property which is acquired outside the county and which, after being brought into the county and stored temporarily in the county is (1) used solely outside the county; (2) physically attached to, or incorporated into, other tangible personal property which is used solely outside the county; or (3) is altered by converting, fabricating, manufacturing, printing, processing, or shaping and, as altered, is used solely outside the county.

(f) The temporary storage in the county of building materials and fixtures by a combination retailer and construction contractor registered with the state, but only if the contractor thereafter incorporates the building materials and fixtures into real estate located outside the county.

(g) The purchase or use of non-titled personal property by a common carrier by rail which receives possession of the property in the county and which transports the property, or shares with another common carrier in the transportation of the property, out of the county on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside the county, for use outside the county.

(h) The personal use in the county of non-titled personal property acquired outside the county by a natural person who, at the time of acquisition, was not a resident of the county, and who used the property outside the county for at least three months prior to bringing the property into the county.

(i) The use in the county of non-titled personal property by a person who uses

said property in the course of business and who relocates to the county, or opens an office, plant, or other facility in the county, if the property has been used at least three months outside the county by the person before being moved into the county.

**Sec. 74-657. Filing returns, tax payments, remittances.**

Any person who is liable for the tax in an amount greater than the annual tax credit provided for in section 74-654 of this ordinance, shall file with and remit to the department, on or before the 20<sup>th</sup> day of the month or in a timeframe otherwise prescribed by ruling by the director, a tax remittance return and the corresponding tax due from any transaction that occurred in the immediately preceding month, in such form and manner as are, and containing such information as is, promulgated by the director, who may distinguish between natural and non-natural persons in such promulgation.

**Sec. 74-658. Required books and records.**

Every person who is subject to this tax in the course of business shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to or exempted by this ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Chapter 34, Article III, of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

**Sec. 74-659. Violations, penalties.**

(a) It shall be a violation of this article to fail to file a return and/or remit tax as prescribed by this article.

(b) It shall be a violation of this article for a person to fail to act in accordance with Sec. 74-653 of this article.

(c) In case of failure to register, file a tax return and/or remit this tax when due, the department may assess penalties and interest as provided for in this article and/or Chapter 34, Article III, Cook County Uniform Penalties, Interest and Procedures

**Sec. 74-660. Rulemaking Authority; Policies, procedures, rules, forms.**

(a) The director shall prescribe reasonable rules, policies, definitions, and regulations necessary to carry out the duties imposed upon it by this article and promulgate and publish policies, procedures, rules, forms, and guidance pertaining to all aspects of the administration and enforcement of this article, including rules regarding the valuation of non-titled personal property.

**Sec. 74-661. Application of uniform penalties, interest, and procedures ordinance.**

Whenever not inconsistent with the provisions of this article, or whenever this article is silent, the provisions of the uniform penalties, interest, and procedures ordinance, Article III, Chapter 34 of the Cook County Code of Ordinances, shall apply to and supplement this article.

**Sec. 74-662. Enforcement and Inspection.**

The department or its designee as may be promulgated by rule by the department shall be authorized to enforce this article and be responsible for issuing citations hereunder.

**Effective Date:** This Ordinance shall be effective on April 1, 2013.

**\*Referred to the Committee on Finance on 10/18/12.**

**Commissioner Tobolski, seconded by Commissioner Suffredin, moved to Amend Communication No. 320468. The motion carried, and Communication No. 320468 was amended, as follows:**

AMENDMENT TO COMMUNICATION NO. 320468

SPONSORED BY: TONI PRECKWINKLE, President, Cook County Board of Commissioners and JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA, EDWIN REYES, DEBORAH SIMS, ROBERT STEELE, LAWRENCE SUFFREDIN AND JEFFREY R. TOBOLSKI,  
Cook County Commissioners

**NON-TITLED PERSONAL PROPERTY USE TAX**

**Sec. 74-654. – Annual Tax Credit.**

Any person with a tax liability under this ordinance ~~may apply to the department for an annual tax credit up to \$31.25~~ shall receive an annual tax credit for the first non-titled personal property purchased outside of Cook County and used in Cook County with a value of \$3,500.00. The Department is hereby authorized to ~~institute~~ implement the annual tax credit in the form and manner as prescribed by the Department. ~~Upon its granting, the~~ The credit shall be applied against the person's aggregate tax liability arising under this article for each taxable year; provided, however, that no portion of the tax credit for a particular taxable year shall apply against a tax liability arising in another taxable year; and further provided that if a person is liable for the tax in an amount less than ~~\$31.25~~\$43.75, the tax credit shall in no way result in the disbursement of county proceeds.

**Commissioner Garcia, seconded by Commissioner Tobolski, moved to approve Communication No. 320468, as amended. Commissioner Beavers called for a roll call, the vote of yeas and nays being as follows:**

**Roll Call on Motion to Approve the Non-Titled Personal Property Use Tax Ordinance, as Amended  
(Communication No. 320468)**

**Yeas: Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Gorman, Reyes, Silvestri, Steele, Suffredin and Tobolski (12)**

**Nays: Commissioner Beavers, Collins, Goslin, and Schneider (4)**

**Absent: Commissioners Murphy (1)**

**The motion to approve Communication No. 320468 as amended carried, and the proposed Non-Titled Personal Property Use Tax Ordinance was adopted.**

**Commissioner Garcia, seconded by Commissioner Reyes, moved to reconsider the vote by which the Communication No. 320468 was adopted. On a reverse roll call, the motion to reconsider failed.**

320469 **DEPARTMENT OF REVENUE.** Transmitting a Communication dated October 18, 2012 from Zahra Ali, Director.

In accordance with the Executive Budget for Fiscal Year 2013, transmitting herewith a proposed ordinance creating the Cook County Firearms and Firearm Ammunition Tax for consideration.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, Jesus G. Garcia, Deborah Sims, Robert B. Steele and Larry Suffredin, County Commissioners.

PROPOSED ORDINANCE

**FIREARMS AND FIREARM AMMUNITION TAX**

**WHEREAS**, the County of Cook is a home-rule unit of local government, pursuant to Article VII, Section 6(a) of the Illinois Constitution; and

**WHEREAS**, as a home-rule county, the County of Cook is authorized to impose and collect a tax on the sale of firearms and firearm ammunition within the County of Cook (“County”); and

**WHEREAS**, the purchase, presence, flow, and use of firearms and ammunition in the County exposes the general public to significant injury and harm, and detracts from the public health, safety, and welfare; and

**WHEREAS**, the purchase, presence, flow, and use of firearms and ammunition in the county detrimentally affects the county’s provision of personnel, services, and equipment associated with the public health, safety, and welfare.

**NOW, THEREFORE, BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XX Firearm and Firearm Ammunition Tax, Sections 74-665 through 74-675 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XX. FIREARM AND FIREARM AMMUNITION TAX.**

**Sec. 74-665. Short title.**

This Ordinance shall be known and may be cited as the “Cook County Firearm and Firearm Ammunition Tax Ordinance.”

**Sec. 74-666. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Firearm* shall have the same meaning as set forth in the Illinois Firearm Owners Identification Act, 430 ILCS 65/1.1, or any successor statute.

*Firearm ammunition* shall have the same meaning as set forth in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1, or any successor statute.

*Department* means the Department of Revenue in the Bureau of Finance of Cook County.

*Director* means the Director of the Department of Revenue.

*Person* means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Purchaser* means any person who purchases a firearm or firearm ammunition in a retail purchase in the county.

*Retail dealer* means any person who engages in the business of selling firearms or ammunition on a retail level in the county or to a person in the county.

*Retail purchase* means any transaction in which a person in the county acquires ownership by tendering consideration on a retail level.

*Sheriff* means the Sheriff's Office of Cook County, Illinois.

**Sec. 74-667. Registration.**

Any retail dealer as defined in this article shall register with the Department in the form and manner as prescribed by the Department. Policies, rules and procedures for the registration process and forms shall be prescribed by the Department.

**Sec. 74-668. Tax Imposed, Rates.**

(a) *Firearm Tax Rate.* A tax is hereby imposed on the retail purchase of a firearm as defined in this article in the amount of \$25.00 for each firearm purchased.

(b) *Firearm Ammunition Tax Rate.* A tax is hereby imposed on the retail purchase of firearm ammunition, in the amount of \$.05 for each round or cartridge of firearm ammunition purchased.

(c) *Tax Included in Sales Price.* It shall be deemed a violation of this article for a retail dealer to fail to include the tax imposed in this article in the sale price of firearms or firearm ammunition to otherwise absorb such tax. The tax levied in this article

shall be imposed is in addition to all other taxes imposed by the County of Cook, the State of Illinois, or any municipal corporation or political subdivision of any of the foregoing.

**Sec. 74-669. Tax-Exempt purchases and refunds.**

(a) Notwithstanding any other provision of this article, in accordance with rules that shall be promulgated by the department in regards to tax exempt purchases, retail dealers shall not collect the firearm and or firearm ammunition tax when the firearm or firearm ammunition is being sold to the following:

- (1) An office, division, or agency of the United States, the State of Illinois, or any municipal corporation or political subdivision, including the Armed Forces of the United States or National Guard.
- (2) A bona fide veterans organization which receive firearms directly from the Armed Forces of the United States and uses said firearms strictly and solely for ceremonial purposes with blank ammunition.

(b) In accordance with rules to be promulgated by the department, an active member of the Armed Forces of the United States, National Guard or deputized law enforcement officer may apply for a refund from the department for the tax paid on a firearm or ammunition that was purchased for official use or training related purposes.

**Sec. 74-670. Collection and remittance.**

(a) *Tax Collection.* Any retail dealer shall collect the taxes imposed by this article from any purchaser to whom the sale of said firearms or firearm ammunition is made within the County of Cook and shall remit to the Department the tax levied by this article.

(b) *Tax Remittance.* It shall be the duty of every retail dealer to remit the tax due on the sales of firearms and firearm ammunition purchased in Cook County, on forms prescribed by the Department, on or before the 20th day of the month following the month in which the firearm or firearm ammunition sale occurred on a form and in the manner required by the department.

(c) If for any reason a retailer dealer fails to collect the tax imposed by this article from the purchaser, the purchaser shall file a return and pay the tax directly to the department, on or before the date required by Subsection (b) of this Section.

**Sec. 74-671. Violations and penalties.**

(a) It shall be a violation of this article for any retail dealer to sell firearms and firearm ammunition without collecting and remitting the tax imposed in this article.

(b) It shall be a violation of this article for any retail dealer fail to keep books and records as required in this article.

(c) It shall be a violation of this article for any purchaser to fail to remit the tax imposed in this article when not collected by the retail dealer.

(d) Any person determined to have violated this article, shall be subject to a fine in the amount of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this article for any person to knowingly furnish false or inaccurate information to the Department.

**Sec. 74-672. Required books and records.**

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to or exempted by this ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Chapter 34, Article III, of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

**Sec. 74-673. Inspection; audits.**

Books and records kept in compliance with this article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect or audit firearm and firearm ammunition inventory in or upon any premises. It shall be unlawful for any person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this article.

**Sec. 74-674. Application of uniform penalties, interest, and procedures ordinance.**

Whenever not inconsistent with the provisions of this article, or whenever this article is silent, the provisions of the uniform penalties, interest, and procedures ordinance, Chapter 34, Article III of the Cook County Code of Ordinances, shall apply to and supplement this article.

**Sec. 74-674. Rulemaking; policies, procedures, rules, forms.**

The department may promulgate policies, procedures, rules, definitions and forms to carry out the duties imposed by this article as well as pertaining to the administration and enforcement of this article.

**Sec. 74-675. Enforcement, Department and Sheriff.**

The department is authorized to enforce this article, and the Sheriff is authorized to assist the department in said enforcement.

**Effective Date:** This Ordinance shall be effective on April 1, 2013.

**\*Referred to the Committee on Finance on 10/18/12.**

Commissioner Suffredin, seconded by Commissioner Reyes, move to accept the Proposed Substitute for Communication No. 320469. The motion carried, and Communication No. 320469 was amended by substitution, as follows: Commissioner Beavers voted no on the motion to approve a Substitute Amendment for Communication No. 320469.

SUBSTITUTE FOR COMMUNICATION NO. 320469

SPONSORED BY:

TONI PRECKWINKLE, President, Cook County Board of Commissioners and JERRY BUTLER, JOHN P. DALEY, JESUS G. GARCIA, EDWIN REYES, DEBORAH SIMS and LAWRENCE SUFFREDIN, County Commissioners

**FIREARMS AND FIREARM AMMUNITION TAX**

**WHEREAS**, the County of Cook is a home-rule unit of local government, pursuant to Article VII, Section 6(a) of the Illinois Constitution; and

**WHEREAS**, as a home-rule county, the County of Cook is authorized to impose and collect a tax on the sale of firearms and firearm ammunition within the County of Cook ("County"); and

**WHEREAS**, the purchase, presence, flow, and use of firearms and ammunition in the County exposes the general public to significant injury and harm, and detracts from the public health, safety, and welfare; and

**WHEREAS**, the purchase, presence, flow, and use of firearms and ammunition in the county detrimentally affects the county's provision of personnel, services, and equipment associated with the public health, safety, and welfare.

**NOW THEREFORE BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XX, Sec. 74-665 through Sec. 74-675 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XX. FIREARM AND FIREARM AMMUNITION TAX.**

**Sec. 74-665. Short title.**

This ordinance shall be known and may be cited as the "Cook County Firearm and Firearm Ammunition Tax Ordinance."

**Sec. 74-666. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Firearm* shall have the same meaning as set forth in the Illinois Firearm Owners Identification Act, 430 ILCS 65/1.1, or any successor statute.

*Firearm ammunition* shall have the same meaning as set forth in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1, or any successor statute.

*Department* means the Department of Revenue in the Bureau of Finance of Cook County.

*Director* means the Director of the Department of Revenue.

*Person* means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Purchaser* means any person who purchases a firearm or firearm ammunition in a retail purchase in the county.

*Retail dealer* means any person who engages in the business of selling firearms or ammunition on a retail level in the county or to a person in the county.

*Retail purchase* means any transaction in which a person in the county acquires ownership by tendering consideration on a retail level.

*Sheriff* means the Sheriff's Office of Cook County, Illinois.

**Sec. 74-667. Registration.**

Any retail dealer as defined in this article shall register with the Department in the form and manner as prescribed by the Department. Policies, rules and procedures for the registration process and forms shall be prescribed by the Department.

**Sec. 74-668. Tax Imposed, Rates.**

- (a) *Firearm Tax Rate.* A tax is hereby imposed on the retail purchase of a firearm as defined in this article in the amount of \$25.00 for each firearm purchased.
- (b) *Firearm Ammunition Tax Rate.* A tax is hereby imposed on the retail purchase of firearm ammunition, in the amount of \$.05 for each round or cartridge of firearm ammunition purchased.
- (c) *Tax Included in Sales Price.* It shall be deemed a violation of this article for a retail dealer to fail to include the tax imposed in this article in the sale price of firearms or firearm ammunition to otherwise absorb such tax. The tax levied in this article shall be imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois, or any municipal corporation or political subdivision of any of the foregoing.

**Sec. 74-669. – Tax-Exempt purchases and refunds.**

- (a) Notwithstanding any other provision of this article, in accordance with rules that shall be promulgated by the department in regards to tax exempt purchases, retail dealers shall not collect the firearm and or firearm ammunition tax when the firearm or firearm ammunition is being sold to the following:

(1) An office, division, or agency of the United States, the State of Illinois, or any municipal corporation or political subdivision, including the Armed Forces of the United States or National Guard.

(2) A bona fide veterans organization which receive firearms directly from the Armed Forces of the United States and uses said firearms strictly and solely for ceremonial purposes with blank ammunition.

(3) Any active sworn law enforcement officer purchasing a firearm or firearm ammunition for official or training related purposes presenting an official law enforcement identification card at the time of purchase.

(b) In accordance with rules to be promulgated by the department, an active member of the Armed Forces of the United States, National Guard or deputized law enforcement officer may apply for a refund from the department for the tax paid on a firearm or ammunition that was purchased for official use or training related purposes.

**Sec. 74-670. – Collection and remittance.**

(a) *Tax Collection.* Any retail dealer shall collect the taxes imposed by this article from any purchaser to whom the sale of said firearms or firearm ammunition is made within the County of Cook and shall remit to the Department the tax levied by this article.

(b) *Tax Remittance.* It shall be the duty of every retail dealer to remit the tax due on the sales of firearms and firearm ammunition purchased in Cook County, on forms prescribed by the Department, on or before the 20<sup>th</sup> day of the month following the month in which the firearm or firearm ammunition sale occurred on a form and in the manner required by the department.

(c) If for any reason a retailer dealer fails to collect the tax imposed by this article from the purchaser, the purchaser shall file a return and pay the tax directly to the department, on or before the date required by Subsection (b) of this Section.

**Sec. 74-671. – Violations and penalties.**

(a) It shall be a violation of this article for any retail dealer to sell firearms and firearm ammunition without collecting and remitting the tax imposed in this article.

(b) It shall be a violation of this article for any retail dealer fail to keep books and records as required in this article.

(c) It shall be a violation of this article for any purchaser to fail to remit the tax imposed in this article when not collected by the retail dealer.

(d) Any person determined to have violated this article, shall be subject to a fine in the amount of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this article for any person to knowingly furnish false or inaccurate information to the Department.

**Sec. 74-672. – Required books and records.**

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to or exempted by this ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Chapter 34, Article III, of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

**Sec. 74-673. – Inspection; audits.**

Books and records kept in compliance with this article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect or audit firearm and firearm ammunition inventory in or upon any premises. It shall be unlawful for any person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this article.

**Sec. 74-674. – Application of uniform penalties, interest, and procedures ordinance.**

Whenever not inconsistent with the provisions of this article, or whenever this article is silent, the provisions of the uniform penalties, interest, and procedures ordinance, Chapter 34, Article III of the Cook County Code of Ordinances, shall apply to and supplement this article.

**Sec. 74-674. Rulemaking; policies, procedures, rules, forms.**

The department may promulgate policies, procedures, rules, definitions and forms to carry out the duties imposed by this article as well as pertaining to the administration and enforcement of this article.

**Sec. 74-675. Enforcement, Department and Sheriff.**

The department is authorized to enforce this article, and the Sheriff is authorized to assist the department in said enforcement.

**Effective Date:** This Ordinance shall be effective on April 1, 2013.

**Commissioner Fritchey, seconded by Commissioner Garcia, moved to amend the substitute to Communication No. 320469. On a voice vote, the motion carried and Communication No. 320469 was further amended, as follows: Commissioners Beavers, Butler, Suffredin and Tobolski voted no on the motion to amend Communication No. 320469.**

SUBMITTING A PROPOSED AMENDMENT TO SUBSTITUTE COMMUNICATION NO. 320469

TONI PRECKWINKLE, President, Cook County Board of Commissioners and JERRY BUTLER,  
JOHN P. DALEY, JOHN A. FRITCHEY, JESUS G. GARCIA, EDWIN REYES, and DEBORAH SIMS  
County Commissioners

**~~FIREARMS AND FIREARM AMMUNITION TAX~~**

**WHEREAS**, the County of Cook is a home-rule unit of local government, pursuant to Article VII, Section 6(a) of the Illinois Constitution; and

**WHEREAS**, as a home-rule county, the County of Cook is authorized to impose and collect a tax on the sale of firearms ~~and firearm ammunition~~ within the County of Cook ("County"); and

**WHEREAS**, the purchase, presence, flow, and use of firearms ~~and ammunition~~ in the County exposes the general public to significant injury and harm, and detracts from the public health, safety, and welfare; and

**WHEREAS**, the purchase, presence, flow, and use of firearms ~~and ammunition~~ in the county detrimentally affects the county's provision of personnel, services, and equipment associated with the public health, safety, and welfare.

**NOW THEREFORE BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 74 Taxation, Article XX, Sec. 74-665 through Sec. 74-675 of the Cook County Code, is hereby enacted as follows:

**ARTICLE XX. FIREARM AND FIREARM AMMUNITION TAX.**

**Sec. 74-665. Short title.**

This ordinance shall be known and may be cited as the "Cook County Firearm ~~and Firearm Ammunition~~ Tax Ordinance."

**Sec. 74-666. Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Firearm* shall have the same meaning as set forth in the Illinois Firearm Owners Identification Act, 430 ILCS 65/1.1, or any successor statute.

~~*Firearm ammunition* shall have the same meaning as set forth in the Illinois Firearm Owners Identification Card Act, 430 ILCS 65/1.1, or any successor statute.~~

*Department means* the Department of Revenue in the Bureau of Finance of Cook County.

*Director means* the Director of the Department of Revenue.

*Person* means any means any individual, corporation, limited liability corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity.

*Purchaser* means any person who purchases a firearm ~~or firearm ammunition~~ in a retail purchase in the county.

*Retail dealer* means any person who engages in the business of selling firearms ~~or ammunition~~ on a retail level in the county or to a person in the county.

*Retail purchase* means any transaction in which a person in the county acquires ownership by tendering consideration on a retail level.

*Sheriff* means the Sheriff's Office of Cook County, Illinois.

**Sec. 74-667. Registration.**

Any retail dealer as defined in this article shall register with the Department in the form and manner as prescribed by the Department. Policies, rules and procedures for the registration process and forms shall be prescribed by the Department.

**Sec. 74-668. Tax Imposed, Rates.**

(a) *Firearm Tax Rate.* A tax is hereby imposed on the retail purchase of a firearm as defined in this article in the amount of \$25.00 for each firearm purchased.

~~(b) *Firearm Ammunition Tax Rate.* A tax is hereby imposed on the retail purchase of firearm ammunition, in the amount of \$.05 for each round or cartridge of firearm ammunition purchased.~~

*Tax Included in Sales Price.* It shall be deemed a violation of this article for a retail dealer to fail to include the tax imposed in this article in the sale price of firearms ~~or firearm ammunition~~ to otherwise absorb such tax. The tax levied in this article shall be imposed in addition to all other taxes imposed by the County of Cook, the State of Illinois, or any municipal corporation or political subdivision of any of the foregoing.

**Sec. 74-669. – Tax-Exempt purchases and refunds.**

(a) Notwithstanding any other provision of this article, in accordance with rules that shall be promulgated by the department in regards to tax exempt purchases, retail dealers shall not collect the firearm ~~and or~~ ~~firearm ammunition tax~~ when the firearm ~~or firearm ammunition~~ is being sold to the following:

(1) An office, division, or agency of the United States, the State of Illinois, or any municipal corporation or political subdivision, including the Armed Forces of the United States or National Guard.

(2) A bona fide veterans organization which receive firearms directly from the Armed Forces of the United States and uses said firearms strictly and solely for ceremonial purposes with blank ammunition.

(3) Any active sworn law enforcement officer purchasing a firearm ~~or firearm ammunition~~ for official or training related purposes presenting an official law enforcement identification card at the time of purchase.

(b) In accordance with rules to be promulgated by the department, an active member of the Armed Forces of the United States, National Guard or deputized law enforcement officer may apply for a refund from the department for the tax paid on a firearm ~~or ammunition~~ that was purchased for official use or training related purposes.

**Sec. 74-670. – Collection and remittance.**

(a) *Tax Collection.* Any retail dealer shall collect the taxes imposed by this article from any purchaser to whom the sale of said firearms ~~or firearm ammunition~~ is made within the County of Cook and shall remit to the Department the tax levied by this article.

(b) *Tax Remittance.* It shall be the duty of every retail dealer to remit the tax due on the sales of firearms ~~and firearm ammunition~~ purchased in Cook County, on forms prescribed by the Department, on or before the 20<sup>th</sup> day of the month following the month in which the firearm ~~or firearm ammunition~~ sale occurred on a form and in the manner required by the department.

(c) If for any reason a retailer dealer fails to collect the tax imposed by this article from the purchaser, the purchaser shall file a return and pay the tax directly to the department, on or before the date required by Subsection (b) of this Section.

**Sec. 74-671. – Violations and penalties.**

(a) It shall be a violation of this article for any retail dealer to sell firearms ~~and firearm ammunition~~ without collecting and remitting the tax imposed in this article.

(b) It shall be a violation of this article for any retail dealer fail to keep books and records as required in this article.

(c) It shall be a violation of this article for any purchaser to fail to remit the tax imposed in this article when not collected by the retail dealer.

(d) Any person determined to have violated this article, shall be subject to a fine in the amount of \$1,000.00 for the first offense, and a fine of \$2,000.00 for the second and each subsequent offense. Separate and distinct offense shall be regarded as committed each day upon which said person shall continue any such violation, or permit any such violation to exist after notification thereof. It shall be deemed a violation of this article for any person to knowingly furnish false or inaccurate information to the Department.

**Sec. 74-672. – Required books and records.**

Every person who is subject to this tax shall keep and maintain accurate and complete documents, books, and records of each transaction or activity subject to or exempted by this ordinance, from start to complete, including all original source documents. All such books and records shall be kept as provided in Chapter 34, Article III, of the Uniform Penalties, Interest, and Procedures Ordinance, and shall, at all reasonable times during normal business hours, be open to inspection, audit, or copying by the department and its agents.

**Sec. 74-673. – Inspection; audits.**

Books and records kept in compliance with this article shall be made available to the Department upon request for inspection, audit and/or copying during regular business hours. Representatives of the Department shall be permitted to inspect or audit firearm ~~and firearm ammunition~~ inventory in or upon any premises. It shall be unlawful for any person to prevent, or hinder a duly authorized Department representative from performing the enforcement duties provided in this article.

**Sec. 74-674. – Application of uniform penalties, interest, and procedures ordinance.**

Whenever not inconsistent with the provisions of this article, or whenever this article is silent, the provisions of the uniform penalties, interest, and procedures ordinance, Chapter 34, Article III of the Cook County Code of Ordinances, shall apply to and supplement this article.

**Sec. 74-674. Rulemaking; policies, procedures, rules, forms.**

The department may promulgate policies, procedures, rules, definitions and forms to carry out the duties imposed by this article as well as pertaining to the administration and enforcement of this article.

**Sec. 74-675. Enforcement, Department and Sheriff.**

The department is authorized to enforce this article, and the Sheriff is authorized to assist the department in said enforcement.

**Effective Date:** This Ordinance shall be effective on April 1, 2013.

**Commissioner Fritchey, seconded by Commissioner Garcia, moved to approve Communication No. 320469 as Substituted and Amended. Commissioner Beavers called for a roll call, the vote of yeas and nays being as follows:**

**Roll Call on Motion to Approve the Firearms Tax Ordinance, as Substituted and Amended  
(Communication No. 320469)**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Fritchey, Gainer, Garcia, Reyes, Steele, and Suffredin (9)

**Nays:** Commissioner Beavers, Collins, Gorman, Goslin, Schneider, Silvestri and Tobolski (7)

**Absent:** Commissioners Murphy (1)

**The motion to approve Communication No. 3204669 carried, and the proposed amendment to the Tobacco Tax Ordinance was adopted.**

**Commissioner Garcia, seconded by Commissioner Reyes, moved to reconsider the vote by which the Communication No. 320469 was adopted. On a reverse roll call, the motion to reconsider failed.**

**Commissioner Silvestri, seconded by Commissioner Suffredin, moved to accept the Proposed Substitute to Communication No. 320470. The motion carried, and Communication No. 320470 was amended by substitution, as follows: Commissioner Beavers voted no on the motion to substitute for Communication No. 320470.**

320470 **DEPARTMENT OF BUILDING AND ZONING.** Transmitting a Communication dated October 18, 2012 from Timothy P. Bleuher, Commissioner.

In accordance with the Executive Budget for Fiscal Year 2013, transmitting herewith a proposed ordinance amending Part E Fee Schedule for the Cook County Building

Ordinance for consideration.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, John A. Fritchey, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims and Robert B. Steele, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**PERMIT FEE SCHEDULE FOR COOK COUNTY  
DEPARTMENT OF BUILDING AND ZONING  
ORDINANCE AMENDMENT**

**BE IT ORDAINED**, by the Cook County Board of Commissioners pursuant to its home rule authority that Part E, Permit Fee Schedule of the Cook County Building Ordinance is hereby amended as follows:

**PART E. PERMIT FEE SCHEDULE FOR COOK COUNTY  
DEPARTMENT OF BUILDING AND ZONING**

**CONTRACTOR'S BUSINESS REGISTRATION FEE**

Fee for initial registration of all contractors\* shall One hundred five (\$105.00) Dollars, which sum shall be paid by Applicant in advance and upon filing application; provided, however, that any Registrant may renew his registration upon the payment of the Annual Renewal Fee of Fifty two Dollars and Fifty Cents (\$52.50).

All registrations will run concurrent to the County fiscal year, December 1st to November 30th.

\*Contractor registration will be applicable to all those in the building trades who contract to supply certain materials or do certain work for a stipulated sum. Property owners (i.e. homeowners) can serve as their own general contractor without registering and/or paying registration fees.

**ANNUAL INSPECTIONS**

Annual Inspections shall be at the rate of \$63.00 per hour, per inspector and include but not limited to the following inspections: plumbing, electrical, building, fire, elevator, and liquor and/or food dispensing establishments.

Extenuating inspections shall be billed at double the normal rate and with the approval of the Building Commissioner.

**LOCAL PUBLIC ENTITIES AND NON-PROFIT ORGANIZATION FEES**

A. ~~All building and zoning permit fees, including annual and semi-annual inspection fees, shall be waived for public entities defined as county, township, municipality, municipal corporation, school district, forest preserve district, park district,~~

~~fire protection district, sanitary district, library systems and all other local governmental bodies. For purposes of this section, the waiver shall apply to Brookfield Zoo and Chicago Botanic Gardens, which are operated on forest preserve district property. Effective December 1, 2012 all building and zoning permit fees, including annual and semi-annual inspection fees, shall no longer be waived for public entities defined as township, municipality, municipal corporation, school district, forest preserve district, park district, fire protection district, sanitary district, library systems, special districts, all other local governmental bodies and not-for-profits; said public entities, local governmental bodies and not-for-profit organizations will be required to pay ninety (90) percent of the standard building, zoning and inspection fees as established by ordinance; effective December 1, 2013, said public entities, local governmental bodies and not-for-profit organizations will be required to pay ninety-five (95) percent of the standard building, zoning and inspection fees as established by ordinance; effective December 1, 2014, said public entities, local governmental bodies and not-for-profit organizations will be required to pay one hundred (100) percent of the standard building, zoning and inspection fees as established by ordinance;~~

~~B. Valid not for profit organizations will be required to pay ten (10) percent of the standard fees as established by ordinance.~~

**ZONING FEE SCHEDULE**

**1-Z. REVISED FEES FOR PETITIONERS FOR PUBLIC HEARINGS ON MAP AMENDMENTS, SPECIAL USES AND VARIATION TO THE COOK ZONING ORDINANCE AS COMPREHENSIVELY AMENDED.**

A.	Petition for a Text Amendment	\$ 525.00
B.	Petition for a Map Amendment	
	1. Less than one acre	420.00
	2. One acre to five acres	945.00
	3. Five acres to ten acres	1,890.00
	4. Ten acres to twenty acres	2,520.00
C.	Petitions for the Following Special Uses	
	1. Excavations for Artificial Lake on which Subdivision is proposed	2,100.00
	2. If sand, gravel, rock or fill to be sold from above item, additional	4,200.00
	3. Extraction of rock, sand, gravel, peat or any type of Borrow Pit	4,200.00
	4. Extraction of Top Soil	1,050.00
	5. Sanitary Land Fill	6,300.00
	6. Dry Land Fill	
	Under five acres	525.00
	Over five acres	4,200.00
	7. All hospitals, sanitariums, convalescent homes, nursing and rest homes <del>for profit</del>	2,100.00
	8. Planned Developments	
	Five acres and under	420.00
	Over five acres to ten acres	945.00
	Over ten acres to fifteen acres	1,470.00

- |                                                                                                                                                                                                                                                                                                                      |                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Over fifteen acres                                                                                                                                                                                                                                                                                                   | 2,5200.00                                     |
| 9. All other listed Special Uses as provided for in the Zoning Ordinance                                                                                                                                                                                                                                             | 525.00                                        |
| D. Petitions for Variations                                                                                                                                                                                                                                                                                          |                                               |
| 1. All variations in all residential districts, regardless of number of different variations sought                                                                                                                                                                                                                  | \$157.50 or \$31.50 per whichever is greater  |
| 2. All variations in all commercial and industrial districts, regardless of number of variations sought                                                                                                                                                                                                              | \$315.00 plus cost of court report transcript |
| E. Any combination of petitions, such as an Amendment, Special Use, and Variation, requested by the applicant, will be treated as individual petitions as far as fees concerned, but will be consolidated and heard at the designated time for the Public Hearing before the Zoning Board of Appeals of Cook County. |                                               |
| F. Fees for any other uses not included in this list or new uses not yet conceived, shall be determined by the Commissioner of Building and Zoning until such time as a resolution can be presented to the Board of Commissioners of Cook County.                                                                    |                                               |

**Effective Date:** This Ordinance shall take effect on the 30th day after adoption.

**\*Referred to the Committee on Finance on 10/18/12.**

**Commissioner Silvestri, seconded by Commissioner Suffredin, moved to approve Communication No. 320470 as amended by substitution. On a voice vote, the motion carried. Commissioner Beavers voted no on the motion to approve Communication No. 320470.**

**Having voted on the prevailing side, Commissioner Garcia, seconded by Commissioner Tobolski, moved to reconsider the motion by which Communication No. 320470 was approved. The motion to reconsider failed.**

320471 **COOK COUNTY MEDICAL EXAMINER.** Transmitting a Communication dated October 18, 2012 from Robin Kelly, Bureau Chief, Bureau of Administration and Stephen Cina, M.D., Medical Examiner.

In accordance with the Executive Budget for fiscal year 2013, transmitting herewith a proposed ordinance amending the Cook County Medical Examiner's fees.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**AMENDMENT TO THE MEDICAL EXAMINER'S FEES**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Section 38-135 of the Cook County Code is hereby amended as follows:

**Sec. 38-135. Fees.**

The Medical Examiner shall charge the following fees with the amounts as set in Section 32-1 of this Code.

- (1) Autopsy report.
- (2) Toxicology report.
- (3) Miscellaneous reports, including artist's drawings, but not including police reports.
- (4) Permit to cremate a dead human body obtained from the Office of the Medical Examiner, by facsimile or electronic filing.
- (5) Return fee. The Return Fee is charged to funeral homes that pick up bodies from the Medical Examiner's Office and then request to return them to the Office after determining that the family has no funds for burial. This cost would include the cost of the burial shell and the burial cost.
- (6) Death certificate amendment fee. Fee is charged if the amendment is made later than one year of the person's death (due to a return by Funeral Home). The Office of the Medical Examiner is charged by the Illinois Department of Vital Records for amendments made to a death certificate after one year of the death.
- (7) Storage fee. This fee covers the bodies returned (by the Funeral Homes) to the Office of the Medical Examiner for storage while families secure funds for burial services. This "storage fee" would replace the "return fee" if a funeral home returns a body and picks it up again within ten days. If the body is not picked up within ten days, the body will be held and buried by the County according to the standard operating procedures of the Medical Examiner. This "storage fee" discourages the use of the Office of the Medical Examiner as a storage location by funeral homes and also encourages the funeral directors to verify that families have funds for burial prior to removing a body from the Office of the Medical Examiner.
- (8) Photographs, radiographs, and histology slides.
- (9) Charge to non-county owned hospitals for the acceptance of fetal remains not falling under the jurisdiction of the Medical Examiner.
- (10) Confirmation of death letter.
- (11) Tissue procurement morgue use fee. Fee charged to a certified facility or program seeking to procure tissue from bodies located at the Medical Examiner's Office. The fee covers tissue procurement per body by a tissue procurement facility or program authorized by the Medical Examiner.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 32 Fees, Section 32-1 of the Cook County Code is hereby amended as follows:

**Sec. 32-1. Fee schedule**

The fees or charges provided for or required by the below-listed sections shall be as shown below:

Code Section	Description	Fees, Rates, Charges (in dollars)
<b>CHAPTER 38, HEALTH AND HUMAN SERVICES</b>		
38-135(a)(1)	Autopsy report	50.00
38-135(a)(2)	Toxicology report	25.00
38-135(a)(3)	Miscellaneous reports, including artist's drawings, but not including police reports	25.00
38-135(a)(4)	Permit to cremate a dead human body	50.00
38-135(a)(5)	Return fee	300.00
38-135(a)(6)	Death certificate amendment fee	<del>15.00</del> <u>20.00</u>
38-135(a)(7)	Storage fee, per day (not to exceed \$500.00)	50.00
38-135(a)(8)	Photographs, radiographs, histology slides	cost actual \$3.00 or whichever greater is
38-135(a)(9)	<u>Charge to non-county owned hospitals for the acceptance of fetal remains not falling under the jurisdiction of the medical examiner</u>	<u>100.00 per fetus</u>
<u>38-135(a)(10)</u>	<u>Confirmation of death letter</u>	<u>5.00 per letter</u>
<u>38-135(a)(11)</u>	<u>Tissue procurement morgue use fee</u>	<u>250.00 per case</u>

**Effective Date:** This Ordinance Amendments shall be in effect the 30th day after adoption.

**\*Referred to the Committee on Finance on 10/18/12.**

**Commissioner Suffredin, seconded by Commissioner Steele, moved to approve Communication No. 320471. Commissioner Beavers called for a roll call, the vote of yeas and nays being as follows:**

**Roll Call on Motion to Approve the Amendment to the  
 Medical Examiner's Fees Proposed Ordinance  
 (Communication No. 320471)**

**Yeas:** Chairman Daley, Vice Chairman Sims, Commissioners Butler, Collins, Fritchey, Gainer, Garcia, Gorman, Goslin, Reyes, Silvestri, Steele, Suffredin and Tobolski (14)

**Nays:** Commissioner Beavers (1)

**Absent:** Commissioners Murphy and Schneider (2)

**The motion to approve Communication No. 320471 carried, and the proposed amendment to the Medical Examiners Fee Ordinance was adopted.**

320472 **OFFICE OF BUDGET AND MANAGEMENT SERVICES.** Transmitting a Communication dated October 18, 2012 from Andrea Gibson, Budget Director.

In accordance with the Executive Budget for Fiscal Year 2013, transmitting herewith a proposed ordinance amending the Cook County Medical Examiner's Fees Fund.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, John A. Fritchey, Bridget Gainer, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**AMENDMENT TO THE MEDICAL EXAMINER'S FEES FUND**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 38 Health and Human Services, Section 38-140 of the Cook County Code is hereby amended as follows:

**Sec. 38-140. Medical examiner fees fund.**

Beginning on or before March 1, 2011, the Comptroller shall create a special revenue fund to be entitled the "Medical Examiner Fees Fund." The revenue collected by the Office of the Medical Examiner from all of the various fees of the Office of the Medical Examiner shall be placed in such special fund for the Office of the Medical Examiner to be held by the Treasurer of the County. Such revenues collected and placed in such special fund shall only be disbursed by appropriation of the County Board and shall be used solely for the purchase of electronic and forensic identification equipment or other related supplies and the operating expenses of the Medical Examiner's Office. Effective, December 1, 2012, the Medical Examiner Fees Fund established on March 1, 2011 is hereby eliminated and all fees in the Medical Examiner Fee Fund on or before November 30, 2012 and all of the various fees of the Office of the Medical Examiner received on or after December 1, 2012 shall be transferred or deposited into the County's general fund and placed into an account designated for use by the Office of the Medical Examiner as noted by the Budget Director. All of the various fees collected by the Office of the Medical Examiner will continue to be used solely for the purchase of electronic and forensic identification equipment or other

related supplies and operating expenses of the Medical Examiner's Office.

**Effective Date:** Effective immediately upon passage.

**Commissioner Suffredin, seconded by Commissioner Gorman, moved to approve Communication No. 320472. On a voice vote, the motion carried, and the amendment to the Medical Examiner Fee Fund Ordinance was adopted. Commissioner Beavers voted no on the motion to approve Communication No. 320472.**

320473 **OFFICE OF BUDGET AND MANAGEMENT SERVICES.** Transmitting a Communication dated October 18, 2012 from Andrea Gibson, Budget Director.

In accordance with the Executive Budget for Fiscal Year 2013, transmitting herewith a proposed ordinance amending the Environmental Management Fund.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, John A. Fritchey, Bridget Gainer, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**ENVIORNMENTAL CONTROL ORDINANCE AMENDMENTS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article II Administration and Enforcement, Division 3 Fees, Section 30-92 of the Cook County Code are hereby amended as follows:

**Sec. 30-92. Payment of fees.**

All fees or penalties prescribed for the issuance of permits, licenses or certificates, or for the inspection of plans, premises or equipment, under any provision of this chapter, shall be paid to the Director, who shall render to the person making such payment a receipt stating the amount and purpose for which such fee or penalty has been paid, a duplicate of which shall be made part of the records of the Department. All fees and penalties thus received shall be deposited with the County Treasurer and placed in the County's general fund or other account deemed appropriate by the Budget Director.

**BE IT FURTHER ORDAINED**, by the Cook County Board of Commissioners that Chapter 30 Environment, Article II Administration and Enforcement, Division 9 Environmental Management Fund, Section 30-290 of the Cook County Code is hereby amended as follows:

**Sec. 30-290. Environmental Management Fund.**

There is hereby created the Cook County Environmental Management Fund. The fund shall be used for environmental management purposes, including, but not limited to, consulting fees; long-term monitoring and maintenance of air pollution emitting sites;

proper management of Cook County waste streams; environmental initiative planning, implementation, inspection, and enforcement; operational expenses for personnel and equipment procurement; and other activities consistent with activities of the Cook County Environmental Control Ordinance. Effective December 1, 2012, the Environmental Management Fund previously established is hereby eliminated and all funds in the Environmental Management Fund on or before November 30, 2012 and all of the various fees of the Department of Environmental Control received on or after December 1, 2012 shall be transferred or deposited into the County's general fund or other account deemed appropriate by the Budget Director for use by the Department of Environmental Control.

**Effective date:** Effective immediately upon passage.

**\*Referred to the Committee on Finance on 10/18/12.**

**Commissioner Suffredin, seconded by Commissioner Gorman, moved to approve Communication No. 320473. On a voice vote, the motion carried, and the amendment to the Environmental Control Fee Fund Ordinance was adopted. Commissioner Beavers voted no on the motion to approve Communication No. 320473.**

320474 **COOK COUNTY HIGHWAY DEPARTMENT.** Transmitting a Communication dated October 18, 2012 from John Yonan, Superintendent of Highways.

In accordance with the Executive Budget for Fiscal Year 2013, transmitting herewith a proposed ordinance amending the Public Way Regulatory Ordinance Fee Schedule.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, John A. Fritchey, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

PROPOSED ORDINANCE AMENDMENT

**AMENDMENT TO THE PUBLIC WAY REGULATORY ORDINANCE FEE SCHEDULE**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 66 Roads and Bridges, Section 66-102 of the Cook County Code is hereby amended as follows:

**Sec. 66-102. Public way regulatory ordinance fee schedule.**

All fees will be adjusted annually by the Consumer Price Index (CPI) as of July 1.

Every application for a permit requested pursuant to this section shall be accompanied by a non-refundable permit application fee in the amount of \$100.00 to cover the costs associated with the review of the permit application and the determination of the applicable permit fee. The permit application fee shall be credited to the permit fee of any permit issued pursuant to this section.

If a permit applicant does not obtain a permit within 6 months of date of its permit application, its permit application will expire and a new application and permit application fee will be required.

- (a) *License application and annual fees.* In addition to the annual license fee noted in subsection (a) of this section, an applicant will be charged the County's actual cost incurred for any outside consultant or counsel retained to assist in review of an application, preparation of a license agreement, permit or inspection. The following fees shall be required for application and issuance of licenses:

*Annual license fee:*

Major users	12,350.00
Other users	3,375.00

- (b) *Permit fees.* In addition to the fees noted in subsection (b) of this section, an applicant will be charged the County's actual cost incurred for any outside consultant or counsel retained to assist in review of an application, preparation of a license agreement, permit or inspection.

- (1) *Construction permits:* The level of a permit issued by the department shall be determined in the discretion of the department based generally on complexity of the work involved and review by various County staff.

Level 1 (for example, most single-family driveways)	<del>100.00</del> <u>200.00</u>
Level 2 (for example, soil borings)	<del>250.00</del> <u>500.00</u>
Level 3 (most sidewalk construction)	<del>1,000.00</del> <u>1,500.00</u>
Level 4 (most commercial entrances)	<del>2,500.00</del> <u>3,500.00</u>

- (2) *Maintenance and repair permits:*

Annual maintenance and repair permit	15,000.00
Individual maintenance and repair permit	925.00
Tree trimming permit	770.00
Inspection fee, per half day <u>(available in half day increments; four hours including travel time) or fraction thereof</u>	400.00

~~The minimum inspection fee is a half day. A half day equals four hours and includes travel time. In addition to these fees, an applicant will be charged the County's actual cost incurred for any outside consultant or counsel retained to assist in review of an application, preparation of a license agreement, permit or inspection. The level of a permit shall be determined in the discretion of the Highway Department based generally on complexity of the work involved and review by various County staff.~~

- (c) *Penalties.* Charge for all violations, per day, \$100.00 to \$1,000.00.

- (d) *Refunds.* All fees issued are non-refundable. ~~ALL FEES ARE NONREFUNDABLE.~~

(de) *Municipalities.* Municipalities, special districts and other units of local government are exempted from the license and permit fees, but shall be subject to penalties and damages in appropriate instances.

**Effective date:** This Ordinance Amendment takes effect on the 30<sup>th</sup> day after adoption.

**\*Referred to the Committee on Finance on 10/18/12.**

**Vice Chairman Sims, seconded by Commissioner Tobolski, moved to approve Communication No. 320474.**

**Vice Chairman Sims, seconded by Commissioner Gorman, moved to correct a typographical error by amending section (b) subsection (1) To read as follows: Level 4 (most commercial entrances) ~~2,500.00~~ 3,500-3,500.00. The motion carried.**

**Vice Chairman Sims, seconded by Commissioner Gorman, moved to approve Communication No. 320474 as amended. On a voice vote, the motion carried, and the proposed amendment to the Public Way Regulatory Ordinance Fee Schedule was adopted. Commissioner Beavers voted no on motion to approve Communication No. 320474.**

320475 **COOK COUNTY HIGHWAY DEPARTMENT.** Transmitting a Communication dated October 18, 2012 from John Yonan, Superintendent of Highways.

In accordance with the Executive Budget for Fiscal Year 2013, transmitting herewith a proposed ordinance amending the Public Way Regulatory Ordinance Fee Schedule.

Sponsored by Toni Preckwinkle, President, Cook County Board of Commissioners and Jerry Butler, John P. Daley, Jesus G. Garcia, Joan Patricia Murphy, Edwin Reyes, Peter N. Silvestri, Deborah Sims, Robert B. Steele, Larry Suffredin and Jeffrey R. Tobolski, County Commissioners.

#### PROPOSED ORDINANCE AMENDMENT

#### **AMENDMENT TO THE HIGHWAY HAUL PERMIT FEES AND PROVISIONS**

**BE IT ORDAINED**, by the Cook County Board of Commissioners that Chapter 66 Roads and Bridges, Section 66-126 of the Cook County Code is hereby amended as follows:

#### **Sec. 66-126. Permits: fees and provisions.**

(a) The Superintendent may, upon application in writing and good cause being shown, issue a highway haul permit ("permit") authorizing a vehicle not in conformity with the size and weight limitations of vehicles set forth in Chapter 15 of the Illinois Vehicle Code, 625 ILCS 5/15-101 et seq., to be operated or moved upon County highways pursuant to the terms and limitations of said permit.

(b) Every application for a permit issued pursuant to this section shall be

accompanied by a nonrefundable permit application fee in the amount of \$10.00 to cover the costs associated with the review of the permit application and the determination of the applicable permit fee.

(b) The fees for permits issued pursuant to this ~~article~~ section shall be as follows:

- (1) *Fees for overweight-axle loads.* Fees for permits to move legal gross weight vehicles, vehicle combinations or loads with overweight-axle loads, predicated upon a 20,000 lb. legal single axle equivalency, and applied on a per-axle basis, shall be as follows:

*Single trip:*

Axle Weight in Excess of Legal (in pounds)	Single Axle	2-Axle Tandem	3-Axle Tandem
1—6000	\$5.00	\$5.00	\$5.00
6001—11,000	8.00	7.00	6.00
11,001—17,000	not permitted	8.00	7.00
17,001—22,000	not permitted	not permitted	9.00
22,001—29,000	not permitted	not permitted	11.00

*Monthly use (multiply fee by number of months, not to exceed 12 months):*

Axle Weight in Excess of Legal (in pounds)	Single Axle	2-Axle Tandem	3-Axle Tandem
1—6000	\$100.00	\$100.00	\$100.00
6001—11,000	200.00	200.00	200.00
11,001—17,000	not permitted	250.00	250.00
17,001—22,000	not permitted	not permitted	375.00
22,001—29,000	not permitted	not permitted	375.00

- (2) *Fees for overweight-gross loads.* Fees for permits to move vehicles, vehicle combinations or loads with overweight-gross loads shall be paid at the flat rate fees established in this ~~§~~ subsection (b)(2) for weights in excess of legal gross weights. With respect to fees for overweight-gross loads listed in this ~~§~~ subsection (b)(2) and for overweight-axle loads listed in

Subsection (b)(1), one fee only shall be charged, whichever is the greater, but not both.

Weight (in pounds)	Single Trip	Monthly Use*
80,001—100,000	\$50.00	\$ 600.00/vehicle
100,001—200,000	100.00	1,500.00/vehicle
200,001—300,000	150.00	N/A
300,001—400,000	200.00	N/A
Over 400,000	250.00	N/A

\*Multiply fee by number of months, not to exceed 12 months.

- (3) ~~Fees for overweight and over dimension vehicles. Fees for permits issued for vehicles, vehicle combinations or loads which are both overweight and overdimension shall be paid at the rate equal to the sum of the applicable flat rate fees for overdimension vehicles, vehicle combinations or loads established in this Subsection (b)(3), plus the applicable flat rate fees for overweight vehicles, vehicle combinations and loads established in Subsection (b)(1) or (2).~~

Fees for special permits to move overdimension vehicles shall be paid as follows:

		Single Trip	Monthly Use*
(i)	Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less	\$10.00	\$300.00 per vehicle
(ii)	Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less	20.00	500.00 per vehicle
(iii)	Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less	30.00	Single trip only
(iv)	Overall width of 18 feet or less (authorized only under special conditions and for limited distances), overall height of 16 feet or less, and overall length of 120 feet or less	60.00	Single trip only
(v)	Overall width of more than 18 feet (authorized only under special conditions and for limited distances), overall height more than 16 feet, and overall length more than 120 feet	70.00	Single trip only

\*Multiply fee by number of months, not to exceed 12 months.

Escort requirements shall be as prescribed in the Department's Rules and Regulations. Fees for the escort, when required, shall be in addition to the permit fees.

- (4) ~~Fees for legal weight but overdimension vehicles, vehicle combinations or loads. Fees for special permits to move overdimension vehicles, shall be~~

paid as follows:

		Single Trip	Monthly Use*
(i)	Overall width of 10 feet or less, overall height of 14 feet 6 inches or less, and overall length of 70 feet or less	\$30.00	\$300.00 per vehicle
(ii)	Overall width of 12 feet or less, overall height of 14 feet 6 inches or less, and overall length of 85 feet or less	40.00	\$500.00 per vehicle
(iii)	Overall width of 14 feet or less, overall height of 15 feet or less, and overall length of 100 feet or less	55.00	Single trip only
(iv)	Overall width of 18 feet or less (authorized only under special conditions and for limited distances), overall height of 16 feet or less, and overall length of 120 feet or less	85.00	Single trip only
(v)	Overall width of more than 18 feet (authorized only under special conditions and for limited distances), overall height more than 16 feet, and overall length more than 120 feet	95.00	Single trip only

\*Multiply fee by number of months, not to exceed 12 months.

~~Permits issued under this Subsection (b)(4) shall be for a vehicle, vehicle combination or load not exceeding legal weights; and, in the case of the limited continuous operation, shall be for the same vehicle, vehicle combination or like load.~~

Permits issued under this subsection (c)(3) shall be for vehicles, or vehicle combinations and loads which are overdimension; and, in the case of limited continuous operation, shall be for the same vehicle.

Fees for permits issued for vehicles, vehicle combinations or loads which are both overweight and overdimension shall be paid at the rate equal to the sum of the applicable flat rate fees for overdimension vehicles, vehicle combinations or loads established in this subsection (c)(3), plus the applicable flat rate fees for overweight vehicles, vehicle combinations and loads established in subsection (c)(1) or (2).

Escort requirements shall be as prescribed in the Department's Rules and Regulations. Fees for the escort, when required, shall be in addition to the permit fees.

(54) *Fees for crossing a County highway.* Fees for special permits to move overweight vehicles, overdimension and overweight vehicles, or combinations of vehicles and loads traveling on a highway under a local jurisdiction which crosses a County highway, shall be paid as follows: \$10.00 per vehicle for weight up to 160,000 lbs. (includes legal weight/overdimension vehicles, overweight/legal dimension vehicles, and overweight/overdimension vehicles) and \$20.00 per vehicle for weight greater than 160,000 lbs. (includes overweight/overdimension vehicles and overweight/legal dimension vehicles).

(65) *Fees for continuous operation of overweight and overdimension vehicles, vehicle combinations or loads upon the County highways by businesses located on a County highway or within one mile of a County highway.* Fees for permits for continuous operation of overweight and overdimension vehicles, vehicle combinations or loads upon the County highways by businesses located on a County highway or within one mile of a County highway, shall be paid as follows: Travel within two miles of the location of such business which is on or within one mile of a County highway is \$100.00 per vehicle per calendar year for gross weight less than or equal to 160,000 lbs. and load width of less than or equal to 14 feet. Travel beyond two miles or for vehicles exceeding the gross weight of 160,000 lbs. or exceeding the load width of 14 feet requires a permit at the rate fees established in this Subsection (bc).

(76) *Fees for other permits.* The County Board hereby authorizes the Superintendent to issue additional permits for vehicles which do not conform to the requirements of Chapter 15 of the Illinois Vehicle Code not otherwise specified in this Subsection (b), so long as such permits are authorized by Chapter 15 of the Illinois Vehicle Code. The Superintendent is further authorized to establish reasonable fees for such permits, which fees shall be made public by posting a schedule of said fees at the Department offices. The Superintendent shall report to the County Board the schedule of fees established under this Subsection (bc)(7) on a yearly basis.

(87) *Fees for special handling.* The County Board hereby authorizes the Superintendent to impose a service charge for special handling of a permit when requested by an applicant, such as same-day expedited issuance of a permit, credit card payment of permit fees or special transmission of a permit. Such charge shall be determined by the Superintendent and shall be not less than the actual cost of such special handling, if any, and not less than \$10.00 per permit for same-day processing.

(ed) The Superintendent shall not issue a permit for any vehicle and/or load that is divisible and that can be carried, when divided, within the existing weight and size maximums specified in Chapter 15 of the Illinois Vehicle Code, 625 ILCS5/15-101 et seq.

(de) Engineering inspections assessing work to be done on the County highway related to travel by the permit applicant's overweight vehicle and final inspection, and/or field investigations of the proposed routing will be done by the Department when the Superintendent determines in his judgment that such an inspection or investigation is appropriate. The applicant will be required to pay a fee of \$40.00 per hour for each hour spent by Department personnel engaged in such engineering inspections or field investigations.

(ef) When law enforcement escort vehicles are required by the Superintendent for the safety of the motoring public, and if, at the County's option, such escort is provided by the County, the permit applicant will be required to pay a fee of \$40.00 per hour per vehicle based upon pre-estimated time of movement to be agreed upon between the Superintendent and the applicant. The minimum fee paid under this subsection shall be

\$80.00 per vehicle.

(fg) All fees collected pursuant to this ~~article~~ section shall be paid to the Department of Revenue and deposited in the general corporate fund of the County.

(gh) The application shall specifically describe the vehicle, its contents to be operated or moved, the particular County highways for which the permit is requested, and whether the permit is requested for a single trip, roundtrip, or for monthly use.

(hi) The Superintendent is authorized to grant requests for permits within his discretion. He may deny any such permit request or, if such permit is issued, limit the number of trips by establishing seasonal or other time limitations within which the vehicle may be operated on the County highways indicated, or otherwise prescribe conditions of operation of such vehicle, where such limitations, in the judgment of the Superintendent, are necessary to assure against undue wear and tear to the road foundations, surfaces or structures of County highways.

(ij) The Superintendent shall not issue a permit unless the applicant shall have furnished a certificate of insurance indicating a minimum insurance coverage limit of the amount of \$1,000,000.00 for general liability and \$1,000,000.00 for automobile liability so as to save the County harmless from any claim, loss or damage that may result from the granting of a permit or that may arise from or on account of the transportation of overweight and/or oversize vehicles permitted thereby, and further covering payment of all costs incurred by the Department to restore to a condition satisfactory to the Superintendent, any pavement, bridge, culvert, tunnel, sewer, pipe, conduit or other facility or appurtenance located within the County Highway right-of-way that may be damaged by reason of the transportation of such vehicle under a permit. Additional coverage may be required consistent with the regulations of the United States Department of Transportation Bureau of Motor Carrier Safety and the Illinois Commerce Commission.

(jk) Every permit issued pursuant to this ~~article~~ section shall be carried in the vehicle to which it refers and shall be produced for inspection upon the request of any law enforcement official or the Superintendent. The decision to grant, deny or impose limitations on the issuance of a permit lies within the sole discretion of the Superintendent whose decision is final.

**Effective Date:** This Ordinance Amendment shall be in effect 60 days after adoption.

**\*Referred to the Committee on Finance on 10/18/12.**

**Commissioner Suffredin, seconded by Commissioner Gorman, moved to Approve Communication No. 320475. On a voice vote, the motion carried, and the amendment to the Highway Haul Permit Fee Ordinance was adopted. Commissioner Beavers voted no on the motion to approve Communication No. 320475.**

Chairman Daley asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-107(dd).

1. George Blakemore, Concerned Citizen

**Vice Chairman Sims, seconded by Commissioner Steele, moved to adjourn. The motion carried and the meeting was adjourned.**

**YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION  
WITH REGARD TO THE MATTERS NAMED HEREIN:**

Communication Number 320465	Approved
Communication Number 320466	Approved
Communication Number 320467	Approved as Substituted
Communication Number 320468	Approved as Amended
Communication Number 320469	Approved as Substituted and Amended
Communication Number 320470	Approved as Substituted
Communication Number 320471	Approved
Communication Number 320472	Approved
Communication Number 320473	Approved
Communication Number 320474	Approved as Amended
Communication Number 320475	Approved

Respectfully submitted,  
Committee on Finance Committee

  
John P. Daley, Chairman

Attest:

  
Matthew B. DeLeon, Secretary

\*A video recording of this meeting is available on the Office of the Secretary to the Board's web site on the Video Page at <http://blog.cookcountyil.gov/secretarytotheboard/county-board-proceedings/county-board-video-and-audio/>

The transcript for this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 436, Chicago, IL 60602.