

ORDINANCE AMENDING CHAPTER 27 (TAXATION), ARTICLE XII (MOTOR FUEL TAX)
OF THE CODE OF THE CITY OF PEORIA PERTAINING TO THE LICENSING OF GASOLINE
DEALERS

WHEREAS, the City of Peoria is a home rule unit of government pursuant to Article VII, Section 6 of the Constitution of the State of Illinois 1970, and may exercise any power and perform any function pertaining to its government and affairs including the regulation of the gasoline stations within its City limits; and

WHEREAS, the City has imposed a Motor Fuel tax since 1994; and

WHEREAS, the State of Illinois has conferred upon the City the authority to collect said Motor Fuel Tax by requiring gasoline dealers to transmit the total gallons of motor fuel sold on a monthly basis to allow the correct tax to be calculated and collected; and

WHEREAS, in order to monitor the amount of gasoline sold and properly taxed within the City, each retail gasoline dealer is required to obtain a license from the City; and

WHEREAS, the existing ordinance requires the retail gasoline dealers to attest that they will not violate any ordinance of the City or laws of the State or United States in the conduct of their business; and

WHEREAS, retailers who fail to comply with the tax regulations of Article VII of Chapter 27 may face fines and licensing penalties for failing to comply in tobacco control regulations may face fines and other consequences, including having their privilege to sell gasoline suspended or revoked; and

WHEREAS, retail gasoline dealers who fail to comply with the ordinances of the City or laws of the State or United States should be subject to fines and licensing penalties; and

WHEREAS, the City Council has deemed it reasonable to revise Section 27-267 to require all retail gasoline dealers to follow all local ordinances, state and federal laws or be subject to fines and licensing penalties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, as follows:

Section 1: Chapter 27 (Taxation), Article XII (18 (Licenses and Miscellaneous Business Regulations), Article XII (Motor Fuel Tax) of the Code of the City of Peoria is hereby amended by deleting the stricken language and adding the underlined language as follows:

Sec. 27-267. - Penalty for violation; suspension of license.

(a) Any person found guilty of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of any of the provisions of this article,

except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than \$200.00 nor more than \$300.00 for the first offense and not less than \$300.00 nor more than as provided in [section 1-5](#) of this Code for the second and each subsequent offense in any 180-day period.

~~(b) Repeated offenses in excess of three within any 180-day period may also be punishable as a misdemeanor by incarceration in the county jail for a term not to exceed six months. A separate and distinct offense shall be regarded as committed each day upon which such person shall continue any such violation or permit any such violation to exist after notification thereof.~~

(eb) If the mayor, after a hearing held by him or for him, shall find that any person has willfully avoided payment of the tax imposed by this article or has violated any ordinances of the City of Peoria, laws of the State or of the United States in the conduct of their place of business, he may suspend or revoke all city licenses held by such ~~tax evader~~ person or business. The owner, manager or operator of the motor fuel seller shall have the opportunity to be heard at such a hearing not to be held not less than five days after notice of the time and place of the hearing to be held addressed by him at his last known place of business.

Section 2. This ordinance shall be in full force and effect ten (10) days after its passage and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS this _____ day of _____, 2021.

AYES:
NAYS:
ABSENT:

APPROVED:

Rita Ali, Mayor

ATTEST:

Stefanie Tarr, City Clerk

EXAMINED AND APPROVED:

Corporation Counsel