

Chapter 62

MUNICIPAL NATURAL GAS USE TAX

Revised 06-14-10

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62.01 IMPOSED. (67-33, 73-44, 81-44, 02-105)

a) The tax imposed by this Chapter shall be known as the "Municipal Natural Gas Use Tax" and is imposed in addition to all other taxes imposed by the City of DeKalb, the State of Illinois, or any other municipal corporation or political subdivision thereof. (10-29)

62.02 DEFINITIONS.

a) For the purpose of this Chapter, the following definitions shall apply:

"Person" means any individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, municipal corporation or political subdivision of this state, or a receiver, trustee, conservator or other representative appointed by order of any court.

"Public Utility" means a public utility as defined in section 3-105 of the Public Utilities Act.

"Public Utilities Act" means. The Public Utilities Act as amended, (220 ILCS 5/1-101 et seq. (1996)).

"Retail Purchaser" means any person who purchases natural gas in a Sale at Retail. (10-29)

"Sale at Retail" means any sale of natural gas by a retailer to a person for use or consumption, and not for resale. For this purpose, the term "retailer" means any person engaged in the business of distribution, supplying, furnishing or selling natural gas. (10-29)

62.03 TAX.

a) Except as otherwise provided by this Chapter, a tax is imposed on the privilege of using or consuming natural gas in the City that is purchased in a Sale at Retail at the rate of 4 cents (\$0.04) per therm. (10-29)

b) The ultimate incidence of and liability for payment of the tax is on the Retail Purchaser, and nothing in this Chapter shall be construed to impose a tax on the occupation of distributing, supplying, furnishing, selling or transporting natural gas. (10-29)

Municipal Code - City of DeKalb
Chapter 62, "Municipal Natural Gas Use Tax"

c) The Retail Purchaser shall pay the tax, measured by terms of natural gas delivered to the Retail Purchaser's premises, to the Public Utility designated to collect the tax pursuant to Section 62.04 of this Chapter on or before the payment due date of the Public Utility's bill first reflecting the tax, or directly to the Finance Division on or before the fifteenth day of the second month following the month in which the gas is delivered to the Retail Purchaser if no Public Utility has been designated to collect the tax pursuant to said Section 62.04 or if the natural gas is delivered by a person other than a Public Utility so designated. (10-29)

d) Reserved.

e) A purchaser who purchases natural gas for resale and therefore does not pay the tax imposed by this Chapter with respect to the use or consumption of natural gas, but who later uses or consumes part or all of the natural gas, shall pay the tax directly to the Finance Division on or before the fifteenth day of the second month following the month in which the natural gas is used or consumed. (10-29)

f) The tax shall apply to natural gas for which the delivery to the Retail Purchaser is billed by a Public Utility or purchased directly by the Purchaser on or after July 1, 2010. (10-29)

62.04 COLLECTION OF TAX.

a) The Accounting Services Manager is authorized to enter into a contract for collection of the tax imposed by this Chapter with any Public Utility providing natural gas service in the City. The contract shall include and substantially conform with the following provisions: (10-29)

1. the Public Utility will collect the tax with respect to natural gas delivered by it to its customers as an independent contractor; (10-29)

2. the Public Utility will remit collected taxes to the Finance Division no more often than once each month; (10-29)

3. the Public Utility will be entitled to withhold from tax collections a service fee not to exceed 3% of the amounts collected and timely remitted to the Finance Division;

4. the Public Utility shall not be liable to the City for any tax not actually collected from a Retail Purchaser; and

5. such additional terms as the parties may agree upon.

b) A Public Utility designated to collect the tax imposed by this Chapter from its customers shall bill each customer for the tax on all natural gas delivered to the customer unless (i) the customer's use or consumption is exempt from the tax pursuant to a duly passed and authorized ordinance of the City, or (ii) the Public Utility has received written notification from the City that the customer is exempt from the tax. (10-29)

62.05 BOOKS AND RECORDS.

a) Every taxpayer shall keep accurate books and records, including original source documents and books of entry, denoting the activities or transactions that gave rise, or may have given rise to any tax liability or exemption under this Article. All such books and records shall, at all times during business hours, be subject to and available for inspection by the City.

62.06 REBATES.

Municipal Code - City of DeKalb
Chapter 62, "Municipal Natural Gas Use Tax"

a) Persons who are eligible for reduced water rates under the provisions of Section 7.18, b), of Chapter 7 and free refuse collection under Section 15.05, b), of this Municipal Code shall be eligible for a rebate of the tax paid under this Chapter 62 upon proper submittal of appropriate documentation. (03-59)