

## **ARTICLE 24 A: MOTOR FUEL TAX - DIESEL**

### **SECTION 1. DEFINITIONS.**

For the purpose of this Article 24 A, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this Section:

A. Bulk User means any person who purchases motor fuel for storage in bulk storage facilities located within the City of Mt. Vernon, which facilities are owned, leased or controlled by said person, for subsequent dispensing into the supply tanks of internal combustion engines operated by said person.

B. Diesel fuels means any petroleum diesel, bio diesel, or any liquid suitable for fuel in a diesel - powered motor vehicle or a diesel - powered train; said term excludes gasoline, gasohol, kerosene, aviation gasoline, or mixtures used in the heating of buildings.

C. Motor fuel means diesel fuels as defined in this Section.

D. Person means any natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution agency contractor, supplier, vendor, vendee, operator, user or owner, or any officers, agents, employees, or other representative, acting either for himself or for any other person in any capacity, or any other entity recognized by law as the subject of rights and duties.

E. Retail Motor Fuel Dealer means any person who engages in the business of selling motor fuel in the City of Mt. Vernon to a purchaser for use or consumption and not for resale in any form.

F. "Sale", or "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 valuable consideration.

### **SECTION 2. TAX IMPOSED.**

A. There is hereby levied and imposed upon the purchase of each gallon of motor fuel, or fraction thereof sold at retail within the corporate limits of the City of Mt. Vernon, a tax at the rate of two cents (\$.02) per gallon. In the event motor fuel is dispensed in a unit of measure other than the gallon, the tax shall be imposed at the same ratio to two cents as the unit is to the gallon. The tax shall be paid in addition to any and all other taxes and charges.

B. The ultimate incidence of and liability for payment of the tax is to be borne by the retail purchaser of motor fuel. Nothing in this Article shall be construed to impose a tax upon the occupations of persons engaged in the retail sale of motor fuel.

C. It shall be the duty of every retail motor fuel dealer to secure the tax from the purchaser at the time the dealer collects the purchase price for the motor fuel and to pay over the tax to the City of Mt. Vernon Finance Department as provided in this Article.

D. A retail motor fuel dealer may make tax free sales only when the sale is made to the federal government, the State of Illinois, any municipality or unit of local government as those terms are defined by Section 1 of Article VII of the Constitution of the State of Illinois, or any school district.

### **SECTION 3. TAX AND REPORT TRANSMITTAL.**

A. Every retail motor fuel dealer shall transmit to the Finance Department of the City of Mt. Vernon on or before the last day of each calendar month a sum of money equal to the amount of motor fuel tax collected for the preceding calendar month, accompanied by a report upon forms supplied by the City, which indicates the gross gallons of motor fuel sold for the preceding calendar month and such other information as the Finance Department may require for the enforcement of this Article.

B. Every bulk user shall transmit to the Finance Department of the City of Mt. Vernon on or before the last day of each calendar month a sum of money equal to the amount of motor fuel tax owing for the preceding calendar month, accompanied by a report upon forms supplied by the City, which indicates the gross gallons of motor fuel purchased for the preceding calendar month and such other information as the Finance Department may require for the enforcement of this Article.

### **SECTION 4. RECORDS INSPECTION.**

A. Every retail motor fuel dealer shall keep complete and accurate books and records, including but not limited to records showing all purchases, receipts, sales and losses through any cause.

B. Every bulk user shall keep complete and accurate records of purchases of motor fuel, including the dates of purchases, the gross gallons purchased on each of the dates and the names and addresses of the motor fuel dealers from which each of the purchases were made.

C. For the purpose of administering and enforcing this Article, the Finance Department shall have the right to inspect all books, records and reports of retail motor fuel dealers and bulk users during their normal business hours.

#### **SECTION 5. LIABILITY OF CORPORATE OFFICER OR EMPLOYEE.**

Any officer or employee of any corporation subject to the provisions of this Article who has the control, supervision, or responsibility of filing returns or collecting and making payment of the amount of tax herein imposed and who fails to file such returns or to collect and to make payment to the City shall be personally liable for such amounts, including costs of collection. The personal liability of such officer or employee as provided herein shall survive the dissolution of the corporation.

#### **SECTION 6. DISPOSITION OF PROCEEDS.**

All proceeds resulting from the imposition of the tax under this Article, including penalties, interest, fines and costs of collection shall be paid into the Treasury of the City and shall be credited to and deposited into the General Corporate Fund of the City; all proceeds shall be expended solely for capital construction projects or for capital equipment purchases of the City.

#### **SECTION 7. PENALTY, INTEREST, FINES AND COSTS OF COLLECTION**

A. Any person who violates any provision of this Article shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00). Each day during which the violation continues shall be recorded as a separate punishable offense.

B. If for any reason the tax is not paid when due, a penalty of two percent (2%) per month on the amount of tax which remains unpaid shall be added and collected.

C. Whenever any person shall fail to pay the tax as provided herein, an action to enforce the payment shall be brought on behalf of the City of Mt. Vernon in any court of competent jurisdiction to enforce this Article and collect any delinquent tax, interest, and penalties and also the reasonable attorney fees, court costs, and other expenses incurred by the City in enforcing any provision of this Article.

#### **SECTION 8. EFFECTIVE DATE.**

This Ordinance and the tax imposed herein shall be effective on September 1, 2008.