

VILLAGE OF HOFFMAN ESTATES

AN ORDINANCE AMENDING  
ARTICLE 10, AMUSEMENT AND ENTERTAINMENT SURCHARGE,  
OF CHAPTER 13, REVENUE TAXES AND CHARGES,  
OF THE HOFFMAN ESTATES MUNICIPAL CODE

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook and Kane Counties, Illinois, as follows:

Section 1: That Article 10, AMUSEMENT AND ENTERTAINMENT SURCHARGE, of Chapter 13, REVENUE TAXES AND CHARGES, of the Hoffman Estates Municipal Code shall be amended to read as follows:

ARTICLE 10

AMUSEMENT AND ENTERTAINMENT SURCHARGE

Section 13-10-1. DEFINITIONS

For purposes of this Article of the Municipal Code, the following terms, phrases and words shall have the meanings given to them in this Section.

A. *Amusement and Entertainment.* Means any amusement device or any athletic contest, event, activity, exhibition, performance, presentation, or show for entertainment purposes which is exhibited or staged in the Village, including, but not limited to, the following:

1. Any amusement devices as defined in Section 8-4-2 such as virtual reality games, video games, internet café games, pinball machines and arcade games in any restaurant-game room, game room or game area with 11 or more licensed devices;
2. Any concert;
3. Any comedic, theatrical, dramatic, musical, ice show, opera, or spectator performance or production, or similar live or recorded entertainment;
4. Any show, including but not limited to, antique or flower show, home show, speech or lecture;
5. Any exhibition of art or handicrafts or products;
6. Any animal exhibition or show, animal act, circus, or rodeo;
7. Any presentation of or participation in an athletic contest, sport, game or similar exhibition, or activities at a family entertainment center, including but not limited to, events such as boxing, wrestling, skating, dancing, swimming, racing or riding of animals or vehicles, baseball, basketball, softball, volleyball, football, lacrosse, tennis, golf, hockey, track and field games, bowling, billiards, pool games, rock climbing, rope climbing, and laser tag.
8. Any water park facility.

B. *Admission Fee or Charge.* Means any fees or charges made or received for admission to or participation in any Amusement and Entertainment, whether or not represented by a ticket, admission stub, pre-paid card or re-loading onto a previously purchased pre-paid card, or receipt of any kind. An Admission Fee or Charge includes,

but is not limited to, all fees or charges for the Amusement and Entertainment (excluding food and beverage) and including but is not limited to parking and seats, chairs, tables, benches, space to stand or sit, special seating areas, tents, structures, booths, or other similar accommodations made as afore-described for which there is a fee or charge.

C. *Amusement and Entertainment Patron* means:

1. Any Person who is admitted to, uses, or participates in any Amusement and Entertainment.

D. *Amusement and Entertainment Owner*. Means any Person who has an ownership or leasehold interest in such Amusement and Entertainment or any person who has a proprietary interest in the Amusement and Entertainment so as to entitle such a Person to all or a portion of the proceeds from the operation, conduct or presentation of such Amusement and Entertainment.

E. *Property Owner*. Means the owner or lessee of a place where Amusement and Entertainment is being held, any Person with ownership or leasehold interest in a building, structure, vehicle, boat, area or other place who presents, conducts or operates an Amusement and Entertainment in such a place or who allows, by agreement or otherwise, another Person to present, conduct or operate an Amusement and Entertainment in such a place.

F. *Person*. Means any natural individual, firm, society, foundation, institution, partnership, limited liability company, association, joint stock company, joint venture, public or private corporation, receiver, executor, trustee or other representative appointed by the order of any court, or any other entity recognized by law.

G. *Entertainment District*. Means that area within the corporate limits of the Village of Hoffman Estates lying west of Bartlett Road and north of the Jane Addams Memorial Tollway (I-90). Notwithstanding other provisions of the Municipal Code, Amusement and Entertainment hours of operation may be extended within the Entertainment District by resolution of the Corporate Authority.

Section 13-10-2. SURCHARGE IMPOSED

A. An Amusement and Entertainment surcharge of six percent (6%) on the Admission Fee or Charge is imposed upon every Amusement and Entertainment Patron.

B. The surcharge imposed by subsection A shall not apply to an Admission Fee or Charge for the following:

1. The privilege of witnessing or participating in any Amusement and Entertainment sponsored or conducted by and the proceeds of which, after payment of reasonable expenses, inure exclusively to the benefit of governmental entities.

2. The surcharge shall not apply to the following when located outside the Entertainment District:

- a. Tennis clubs or athletic clubs;
- b. Retail establishments for the rental of video tapes, DVDs or game cartridges;
- c. Licensed golf courses and miniature golf courses;

- d. Licensed bowling alleys;
- e. Licensed billiard and pool halls;
- f. Licensed ice skating rinks;
- g. Licensed jukeboxes;
- h. Licensed roller skating rinks; or
- i. Licensed sports complexes.

C. Where a Patron purchases food and/or beverage, the Amusement and Entertainment Owner and the Property Owner shall bear, jointly and severally, the duty to account to the Village and to collect from the Patron all Food and Beverage Taxes due thereon in accordance with Article 7 of Chapter 13 of this Municipal Code.

Section 13-10-3. PAYMENT AND COLLECTION OF SURCHARGE

The Amusement and Entertainment Owner and the Property Owner, manager, licensee or operator of each Amusement and Entertainment shall bear, jointly and severally, the duty to collect the surcharge from each Amusement and Entertainment Patron. Every Person required to collect the surcharge levied by this subchapter shall secure said surcharge from the Amusement and Entertainment Patron at the time that he collects the Admission Fee or Charge for the Amusement and Entertainment as trustee for and on behalf of the Village. The surcharge shall be paid to the Village by the Person required to collect it as trustee for and on behalf of the Village in accordance with Section 13-10-5 hereof.

Section 13-10-4. PROPERTY OWNER DUTY OR OBLIGATION

Every Amusement and Entertainment Owner and Property Owner who allows by agreement or otherwise another Person to present, conduct or operate an Amusement and Entertainment upon his property or property to which he has a leasehold interest shall provide the Amusement and Entertainment Owner of written notification of the Village of Hoffman Estates Amusement and Entertainment Surcharge.

Section 13-10-5. ADMINISTRATION AND ENFORCEMENT

A. The Director of Finance, or his designee, is designated as the administration and enforcement officer of the Amusement and Entertainment surcharge hereby imposed on behalf of the Village. It shall be the responsibility and duty of the Director of Finance or his designee to collect all amounts due the Village from each Amusement and Entertainment Owner and Property Owner, managers, licensees, and operators of Amusement and Entertainment in the Village.

B. A sworn monthly Amusement and Entertainment surcharge return, prepared on a calendar month basis, shall be filed by each Amusement and Entertainment Owner and Property Owner, manager, licensee or operator of each Amusement and Entertainment in the Village with the Director of Finance on forms prescribed or approved by him, showing the gross receipts from the Amusement and Entertainment, the number of admission tickets sold and issued, and the amount of Amusement and Entertainment surcharge collected.

Said surcharge returns and the payment of the Amusement and Entertainment surcharge collected during the reporting period, are to be received by the Village no later than the last day of the calendar month next following the end of the monthly filing period.

C. The Director of Finance, or his designee, may enter the premises of any Amusement and Entertainment during its normal business hours, upon reasonable notice, for the purpose of inspection, examination and/or audit of its books and records for the proper administration of this surcharge, and for the enforcement of the collection of the surcharge hereby imposed. It is unlawful for any person to prevent, hinder, or interfere with the Director of Finance or his designee in the discharge of his duties hereunder. It shall be the duty of every Amusement and Entertainment Owner and Property Owner, manager, licensee or operator to keep accurate and complete books of records, containing all information necessary for the collection of the surcharge herein imposed, to which the Director of Finance or his designee shall have full access, which records shall include a daily sheet showing: (a) the number of tickets of admission sold and issued during that 24-hour period, and (b) the actual Amusement and Entertainment surcharge receipts collected for the date in question. In the event that the inspection, examination and/or audit by the Director of Finance, or his designee, discloses a discrepancy in excess of five percent (5%) from the information furnished by the Amusement and Entertainment Owner and the Property Owner, manager, licensee or operator of an Amusement and Entertainment, the cost to the Village of said inspection and examination shall be borne by said Person, which shall be a debt due and owing to the Village.

Section 13-10-6. SUIT FOR COLLECTION; REVOCATION OF LICENSE

Whenever any Person shall fail to pay any surcharges herein provided, or when any Amusement and Entertainment Owner or Property Owner, manager, licensee or operator of an Amusement and Entertainment shall fail to collect the surcharge hereby imposed from any Person who has the ultimate liability for payment of the same, the Corporation Counsel, or his designee, shall, upon request of the Director of Finance, bring or cause to be brought an action to enforce the payment of said surcharge on behalf of the Village in any court of competent jurisdiction. Hearings to suspend or revoke a Village license shall be held as provided in Section 8-1-14 of the Hoffman Estates Municipal Code creating and administering such licenses or as may be established by the corporate authorities from time to time. Any such suspension or revocation resulting from such hearing shall not relieve or discharge any civil liability for non-payment of the surcharge due.

Section 13-10-7. LATE PAYMENT AND LATE FILING PENALTIES

If any tax imposed by this Article is not paid when due, a late payment penalty equal to five percent (5%) of the unpaid tax shall be added for each month, or any portion thereof that such tax remains unpaid, and the total of such late payment penalty shall be paid along with the tax imposed by this Article.

If any Amusement and Entertainment surcharge return required by this Article is not filed when due, a late filing penalty equal to five percent (5%) shall be added to the Amusement and Entertainment Owner and Property Owner's tax liability for that monthly reporting period.

Section 13-10-8. PROCEEDS OF SURCHARGE

All proceeds resulting from the imposition of this surcharge, including penalties, shall be paid into the treasury of the Village.

Section 13-10-9. PENALTY

Any Person failing or omitting to pay said tax when due or failing or omitting to collect, account for or pay over said tax, together with any late payment penalty, or failing to maintain or allow the examination of the required records shall, in addition to any other payment or penalty provided by law, be fined not less than \$50.00 nor more than \$500.00 for each offense, and each day a violation continues shall be considered a separate and distinct violation.

Section 13-10-10. CONFIDENTIALITY

All information received by the Village from returns filed pursuant to this Article or from any investigations conducted pursuant to this Article, except for official Village purposes, or as required by the Freedom of Information Act, shall be confidential.

Section 2: That the Village Clerk is hereby authorized to publish this ordinance in pamphlet form.

Section 3: That this ordinance shall be in full force and effect from and after its passage according to law.

PASSED THIS 20th day of July, 2015

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	<u>X</u>	_____	_____	_____
Trustee Anna Newell	<u>X</u>	_____	_____	_____
Trustee Gary J. Pilafas	<u>X</u>	_____	_____	_____
Trustee Gary G. Stanton	<u>X</u>	_____	_____	_____
Trustee Michael Gaeta	<u>X</u>	_____	_____	_____
Trustee Gayle Vandenbergh	<u>X</u>	_____	_____	_____
Mayor William D. McLeod	<u>X</u>	_____	_____	_____

APPROVED THIS 20th DAY OF July, 2015

William D. McLeod  
Village President

ATTEST:

[Signature]  
Village Clerk

Published in pamphlet form this 23rd day of July, 2015.

