

# Village of McLean

## Ordinance#

**23-01-09A**

**Ordinance Affirming the Adoption of the Village of McLean Business District Plan as the Village's Specific Plan for a Business District, Affirming the Village of McLean Designation of the Village of McLean Business District, and Enacting a Tax on Certain Activities Within the Village of McLean Business District**

Adopted by the Village Board  
Of the  
Village of McLean

Published in pamphlet form by authority of the Village of McLean, McLean

County, Illinois this 10<sup>th</sup> day of January, 2023.

STATE OF ILLINOIS )

) SS

COUNTY OF MCLEAN )

**PUBLICATION CERTIFICATE**

I, the undersigned Village Clerk, certify that I am the duly elected and acting Village Clerk of the Village of McLean, McLean County, Illinois.

I further certify that on **Monday, January 9, 2023**, the Board of Trustees of such municipality passed and approved **Ordinance No. 23-01-09A**, entitled:

**Ordinance Affirming the Adoption of the Village of McLean Business District Plan as the Village's Specific Plan for a Business District, Affirming the Village of McLean Designation of the Village of McLean Business District, and Enacting a Tax on Certain Activities Within the Village of McLean Business District**

Board of Trustees of the Village of McLean previously adopted a Resolution that authorized all Village Ordinances to be published in pamphlet form.

The pamphlet form of Ordinance No. **23-01-09A**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on Jan 10, **2023** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Clerk.

Dated at McLean, Illinois, this 30th day of **January, 2023**.

  
Village Clerk

(SEAL)

STATE OF ILLINOIS            )  
  )  
COUNTY OF MCLEAN         )

I, Sharon Leipold, Village Clerk of the Village of McLean, Illinois, do hereby certify that, as such officer, I am the Clerk of the Board of Trustees of said Village, the keeper and custodian of the books, papers, records, reports, ordinances and minutes of the meetings of the Board of Trustees of said Village; and that the instrument attached hereto is a full, true and correct copy of the original Ordinance adopted by the Board of Trustees of the Village of McLean, at a regular meeting thereof on the 9<sup>th</sup> day of January, 2023, attended by a quorum of the members of said Board, and approved by the President on the 9th day of January, 2023, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of McLean this 9<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
VILLAGE CLERK OF THE VILLAGE OF MCLEAN

STATE OF ILLINOIS )

) SS

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IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of McLean this 9<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
VILLAGE CLERK OF THE VILLAGE OF MCLEAN

ORDINANCE NO. 23-01-09A

AN ORDINANCE AFFIRMING THE ADOPTION OF THE VILLAGE OF MCLEAN BUSINESS DISTRICT PLAN AS THE VILLAGE'S SPECIFIC PLAN FOR A BUSINESS DISTRICT, AFFIRMING THE VILLAGE OF MCLEAN DESIGNATION OF THE VILLAGE OF MCLEAN BUSINESS DISTRICT, AND ENACTING A TAX ON CERTAIN ACTIVITIES WITHIN THE VILLAGE OF MCLEAN BUSINESS DISTRICT PURSUANT TO THE BUSINESS DISTRICT DEVELOPMENT AND REDEVELOPMENT ACT

WHEREAS, the Business District Development and Redevelopment Act, 65 ILCS 5/11-74.3-1 et. seq., (Business District Act) authorizes the designation of areas of a municipality as a Business District and declares the use of powers provided under the Business District Act for the development and redevelopment of business districts to be a public use essential to the public interest; and

WHEREAS, on January 9, 2023 the Village of McLean, Illinois adopted Ordinance No. \_\_\_\_\_ approving the Village of McLean Business District Plan, (Business District Plan) as the Village's specific plan for the Business District (as defined below), designating as a business district the area, which consists of all the properties that are located in the area described in Exhibit "A", attached hereto and incorporated by reference thereto; and

WHEREAS, the Business District is comprised of contiguous parcels of real property and only includes those parcels directly and substantially benefited by the Business District Plan; and

WHEREAS, the Business District Plan adopted by the Village included: (1) A finding that there existed conditions that caused the Business District to be classified as a "blighted area" as defined in the Business District Act and as described in the Blight Analysis, as prepared by J. R. Cummings and Associates, which was labeled Exhibit "A", attached to Ordinance No. \_\_\_\_\_ and (2) the objectives of the Business District Plan to eliminate the blighting conditions identified in the Blight Analysis; and

WHEREAS, in accordance with the foregoing finding of the Village and J.R. Cummings & Associates as set forth in the Business District Plan and the Blight Analysis, the Business District is a blighted area that, by reason of the predominance of defective or inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements, improper subdivision of obsolete platting, or the existence of conditions which endanger life or property by fire or other causes, or any combination of these factors, constitutes an economic and social liability and a menace to the public health, safety, morals, or welfare of the Village; and

WHEREAS, the Business District Plan concluded that the Business District had not been subject to growth and development through investment by private enterprise; and

WHEREAS, The Business District Plan included the following elements required by Section 11-74.3-5 of the Business District Act: (1) a specific description of the proposed



boundaries of the Business District, including a map illustrating the boundaries, which is attached hereto as Exhibit "B"; (2) a general description of each project proposed to be undertaken with the Business District; (3) the name of the Business District; (4) the estimated project costs for the Business District Redevelopment Plan; (5) the anticipated source of funds to pay such anticipated redevelopment plan costs; (6) the anticipated type and term of any obligations to be issued; and (7) the rate of any tax to be imposed and the period of time for which the tax shall be imposed; and

WHEREAS, the Business District Act authorizes the corporate authorities of the Village, in connection with a business district redevelopment plan, to impose a "retailers occupation tax" (Retailers' Occupation Tax), a "service occupation tax" (Service Occupation Tax), and a "hotel operator's tax" (Hotel Operator's Tax) collectively hereinafter referred to as the "Business District Taxes", in a business district for the planning, execution and implementation of business district plans and to pay for business district project costs as set forth in the business district plan approved by the Village; and

WHEREAS, the Redevelopment Plan is not economically feasible unless such Business District Taxes are imposed and the proceeds of such Business District Taxes are used for the Business District Plan of the Business District public infrastructure as set forth within the approved and adopted Business District Plan; and

WHEREAS, the Village Board, finds that the additional procedures required for the designation of a business district and approval of a business district development or redevelopment pursuant to Section 11-74.3-5 of the Business District Act are met and satisfied by the Business District designated and the Business District Plan approved and adopted, respectively, by Ordinance No. \_\_\_\_\_ on January 9, 2023; and

WHEREAS, the Village Board, after due deliberation, wishes to affirm and ratify the adoption of the Business District Plan and its designation of the Business District as a business district and the Development Plan as a business district development or redevelopment in accordance with the Business District Act; and

WHEREAS, the Village Board, after due deliberation, is ready to impose the Business District Taxes in accordance with the Business District Act and the Development Plan,

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF MCLEAN, ILLINOIS, hereinafter referred to as the "Village", as follows:

SECTION 1: The facts and statements contained in the preambles to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2: Imposition of Business District Retailer's Occupation Tax, Business District Service Occupation Tax and Business District Hotel Occupation Tax

(a) Retailers' Occupation Tax. A Business District Retailers' Occupation Tax pursuant to Section 5/11-74.3-6(b) of the Business District Act is hereby imposed in the Business District upon all persons engaged in the business of selling tangible personal property,

other than an item of tangible personal property titled or registered with an agency of the State of Illinois, at retail in the Business District at a rate equal to one percent (1%) of the selling price of such tangible personal property.

(b) Service Occupation Tax. A Business District Service Occupation Tax pursuant to Section 5/11-74.3-6(c) of the Business District Act is hereby imposed in the Business District upon all persons engaged in the business of making sales of service in the Business District, who, as an incident to making those sales of service, transfer tangible personal property within the Business District either in the form of tangible personal property or in the form of real estate as an incident to a sale of service, at a rate equal to one percent (1%) of the selling price of tangible personal property so transferred within the Business District.

(c) Hotel Operator's Tax. A Business District Hotel Operator's Tax pursuant to Section 5/11-74.3-6 (d) of the Business District Act is hereby imposed in the business District upon all persons engaged in the business district in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operator's Occupation Tax Act, at a rate equal to 1 percent (1%) of the sale, lease or letting price of a room.

(d) Exclusions from Tax. The Business District Taxes imposed pursuant to Subsections 2(a) and 2(b) above may not be imposed on prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a disabled person and insulin, urine testing materials, syringes, and needles used by diabetics, for human use. In addition, food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) is excluded from the tax imposed.

e) Exclusions from Tax. The Business District Tax imposed pursuant to Subsection 2 (c) above may not be imposed on the proceeds of renting, leasing or letting to permanent residents of a hotel, as defined in the Hotel Operator's Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.

### SECTION 3: Reimbursement for Seller's Tax Liability

Persons subject to the Business District Taxes imposed under this Ordinance may reimburse themselves for their seller's tax liability under Subsections 2(a), 2(b) and 2 (c) above by separately stating such tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes that sellers are required to collect under the Use Tax act, in accordance with such bracket schedules as the Department may prescribe.

### SECTION 4: Collection of Business District Taxes and Civil Penalties

The Business District Taxes imposed under this Ordinance and all civil penalties that may be assessed as an incident thereof shall be collected by the Department of Revenue of the State of Illinois (Department) in accordance with Section 11-74.3-6 of the Business District Act, as provided by the Act.



SECTION 5: Proceeds received from Department of Business District Taxes

The proceeds received by the Village from the Department of Business District Taxes imposed under this Ordinance shall be deposited into a special Village fund, called the Village of McLean Business Development District Fund, and used for the purpose of paying the Business District Plan costs.

SECTION 6: Rescinding of Taxes Imposed

Upon payment of all Development Project costs and retirement of obligations, but in no event more than 23 years after the date of adoption of the Ordinance approving the Business District Plan, the Village shall, pursuant to Section 11-74.3-6(f) of the Business District Act, adopt an Ordinance immediately rescinding the taxes imposed pursuant to Subsections 2(a), 2(b) and 2(c) above and file a certified copy thereof with the Department of Revenue as required by Section 11-74.3-6(b) and (c) of the Business District Act.

SECTION 7: Upon adoption of this Ordinance, the Village Clerk shall:

- (a) file a certified copy of this Ordinance with the Department of Revenue within fourteen (14) days after the effective date of this Ordinance, but not later than April 1, 2023.
- (b) provide to the Department of Revenue, in the manner prescribed by the Department, the boundaries of the Business District in such a way that the Department can determine by its address whether a business is located in the Business District; and
- (c) submit to the Department any other information it may require for the administration and enforcement of the Retailer's Occupation Tax, Service Occupation Tax and Hotel Operator's Tax imposed hereby.


SECTION 8: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

SECTION 9: If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any other provisions of this Ordinance.

SECTION 10: This Ordinance shall be in full force and effect from and after its passage, approval and publication, if required, in the manner provided by law. All taxes to be imposed by this Ordinance shall be imposed effective July 1, 2023.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of McLean at a duly held meeting on the 9<sup>th</sup> day of January, 2023.

APPROVED:

  
\_\_\_\_\_  
President of the Board of Trustees of  
The Village of McLean

ATTEST:

  
\_\_\_\_\_  
Village Clerk

AYES: 5

NAYS: 0

ABSENT: 1

## EXHIBIT A

### Boundaries of Business District

Bounded on the north by the 1000 block of East Dixie Road, the north by the northern side of a lot at 108 E. Enterprise Drive and the northeast extreme corner of town on Old Route 66, and bounded on the east along the western side of the ROW of I-55 to the property at 416 Old Route 66, and east long the western side of the ROW of I-55 to the property at 416 Old Route 66 and down to near Illinois Valley Street and generally east to the eastern side of the property at 1010 East Dixie Road, and bounded on the South generally by East Dixie Road and bounded on the West by South West Street, South Blatchford Street, North Main Street and North 500 East Road.



**EXHIBIT B**

Map of Business District