

ORDINANCE NO. 3669

**AN ORDINANCE AMENDING CHAPTER 7.7 OF THE VILLAGE CODE OF ORDINANCES
(Self Storage Facility Rental Tax)**

WHEREAS, the Village of Plainfield is a “home rule” municipality in accordance with the provisions of Article VII, Section 6(a) of the Illinois Constitution of 1970, and is authorized to adopt ordinances and to promulgate ordinances, rules and regulations that pertain to its government and affairs, including but not limited to this Ordinance, which is hereby declared to be adopted in furtherance of the home rule authority of the Village; and

WHEREAS, as a home rule municipality, pursuant to the applicable provisions of the Illinois Constitution of 1970 and the Illinois Municipal Code, the Village of Plainfield has the authority to adopt a tax on the gross rental charges imposed for the rental or lease of space within self-storage facilities within the Village of Plainfield, all as more fully hereinafter set forth; and

WHEREAS, the corporate authorities of the Village have determined that self-storage facilities within the Village generate little to no sales tax revenue for the Village and do not provide significant employment opportunities for Village residents; and

WHEREAS, the corporate authorities of the Village have further determined that the tax herein contemplated is in the best interest of the health, safety, morals and welfare of the Village and its residents in that it provides the Village with an additional source of revenue to fund public services while at the same time imposing a relatively minimal and limited financial burden on the users of self-storage facilities.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE VILLAGE OF PLAINFIELD, WILL COUNTY, ILLINOIS; THAT:

SECTION 1: RECITALS. The foregoing recitals are hereby incorporated into this Ordinance as if fully set forth herein.

SECTION 2: ADOPTION OF ARTICLE VII OF CHAPTER 7.7 OF THE VILLAGE CODE OF ORDINANCES. Those provisions of all heretofore adopted Village Ordinances codified as and for Chapter 7.7 thereof are hereby amended by the addition of the following text, to be codified as and for a new Article VII of Chapter 7.7 of the Village Code of Ordinances as set forth below:

Article VII - Self Storage Facility Rental Tax

Section 7.7-87

(A) Definitions. For the purpose of this Article the following definitions shall apply unless the context clearly indicates or requires a different meaning:

GROSS RENTAL CHARGE: Any amount of consideration imposed by the owner of a self-storage facility upon any person for the privilege of renting individual space for storage at a self-storage facility in the Village. Gross rental charge can be periodic (daily, monthly, quarterly, etc.) or a single lump-sum charge required prior to, during, or after the rental of the individual storage space.

INDIVIDUAL SPACE FOR STORAGE: Any space for storage rented or leased by a person for the purpose of storing personal property within the self-storage facility.

LONG TERM STORAGE: Any space for storage rented or leased by a person storing personal property within a self-storage facility for a period of thirty (30) days or more.

OCCUPANT: A person, his/her or its sublessee, successor or assigns, entitled to the use of the storage space at a self-storage facility under rental agreement to the exclusion of others.

OWNER: The owner, operator, lessor or sublessor of a self-storage facility, his/her agent, or any other person authorized by him/her to manage the facility, or to receive rent from all occupants under a rental agreement.

PERSON: Any individual, firm or corporation, partnership, trust or their representative or other entity.

PERSONAL PROPERTY: Movable property not affixed to land and includes, but is not limited to, goods, merchandise, household items, tools, vehicles, machinery and equipment.

RENTAL AGREEMENT: Any agreement or lease, written or oral that establishes or modifies the terms, conditions, rules or any other provisions concerning the use and occupancy of a self-storage facility.

SELF-STORAGE FACILITY: Any real property (other than real property owned or operated by a governmental entity) designed, held out and used for the purpose of renting or leasing individual spaces for storage to occupants who are to have access to such for the purpose of storing and removing personal property, which is improved with a building, structure, or any other form of improvement designed or intended to provide shelter from the elements and security from theft, whether such improvement is permanently attached to the real property or not. A self-storage

facility, as defined in this Section, is not a warehouse for the purpose of Article 7 of the Uniform Commercial Code, consistent with the provisions of 810 ILCS5/7-102(13) and 770 ILCS 95/2(A). In the event an owner issues any warehouse receipt, bill of lading or other document of title for the personal property stored, the provisions of the Uniform Commercial Code do not apply.

SPACE FOR STORAGE: A space for storage shall mean and include any of the following when contained in a self-storage facility:

- (1) The secure areas, such as rooms, units, compartments or containers, whether accessible from outside or from within a building, that are designated for the use of an occupant, where the occupant can store and retrieve property;
- (2) Any parking lot, ramp, or parking garage for a vehicle, whether the vehicle is parked by the operator of the vehicle or by an attendant;
- (3) Any aircraft parking area, ramp or hanger;
- (4) Any boat slip, dock, or dry dock;
- (5) Any recreational vehicle parking area or garage;
- (6) Any other areas for storage or parking of tangible personal property.

VILLAGE: The Village of Plainfield, Illinois.

(B) **Tax Imposed.** A tax of five percent (5%) is hereby imposed upon the gross rental charge for the rental or leasing of any individual space for storage in the Village of Plainfield. The ultimate incidence of any liability for payment of the tax imposed by this Section shall be borne by the occupant, lessee or renter of any such individual space for storage. This tax shall be in addition to any and all other surcharges or taxes due in connection with the rental or lease in question.

(C) **Duty to Collect Tax.** The owner of any self-storage facility within the Village shall have the duty to collect the tax imposed under this Section from each occupant of individual space for storage at the time when gross rental charges are collected.

(D) **Administration and Enforcement Officer.** The Village Management Services Director is hereby designated as the administration and enforcement officer of the tax imposed by this chapter on behalf of the Village. It shall be the responsibility and duty of the Management Services Director, or the person designated thereby, to collect all amounts due to the Village as a result of the imposition of the tax under this Article.

(E) **Duty to Maintain Books and Records.** The owner of any self-storage facility shall maintain complete and accurate books, records, and accounts showing the receipts from gross rental charges and the tax collected thereon each month, which shall be made available to the Village for examination and for audit by the Village

upon reasonable notice and during customary business hours.

(F) Tax Returns. A monthly return for the tax imposed by this Section shall be filed by each owner of a self-storage facility in the Village and shall be made in such form as the Village shall from time to time require. Each monthly return shall include the gross rental charges and the amount of tax collected. Each return shall be accompanied by payment to the Village of all taxes due and owing for the month covered by the return. All returns required by this chapter shall be due by the 15th of each month following the month described in the return. If the owner of a self-storage facility is required to file Illinois Sales and Use Tax form with the Illinois Department of Revenue (form ST-1 inclusive of multi-location form ST-2), a copy of said form must be filed with the Village at the same time the monthly return is filed. For tax returns not received by the Village when due, a late fee two percent (2%) of the monies due and owing for a monthly return shall be assessed on the last day of the month that the return is due, and for every month thereafter until any and all outstanding amounts are paid in full.

(G) Enforcement and Collection Proceedings. Whenever any person fails to pay any taxes and fees provided for by this Section or when any owner of a self-storage facility fails to collect the tax imposed by this Section from any person who has the ultimate liability for payment of the tax, an attorney for the Village shall, upon request of the Village Management Services Director, bring or cause to be brought an action against the owner to enforce the payment of the tax on behalf of the Village, either in the Circuit Court for the 12th Judicial Circuit, Will County, Illinois, or in an administrative adjudication proceeding brought before the Village Administrative Hearing Officer pursuant to the relevant provisions of Article VII of Chapter 2 of this Code of Ordinances.

(H) Penalties. 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 section, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). Each day of violation shall constitute a separate and distinct offense.

SECTION 3: SEVERABILITY. That the various provisions of this Ordinance are to be considered severable and if any part or portion of this Ordinance shall be held invalid by any Court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION 4: CONFLICTS. All prior Ordinances and Resolutions, or parts thereof in conflict or inconsistent with this Ordinance are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION 5: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after January 1, 2025, subject to its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 5TH DAY OF AUGUST, 2024.

AYES: Kiefer, Ruane, Bonuchi, Argoudelis

NAYS: Kalkanis, Larson, Wojowski

ABSENT: None

APPROVED THIS 5TH DAY OF AUGUST, 2024.

JOHN F. ARGOUDELIS
VILLAGE PRESIDENT

ATTEST:

MICHELLE GIBAS
VILLAGE CLERK