

**ORDINANCE NO. 2018-35**

**AN ORDINANCE ADDING A NEW ARTICLE TO CHAPTER 14 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS REGARDING TRAILER AND SEMITRAILER STORAGE AND SERVICE TAX.**

**WHEREAS**, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

**WHEREAS**, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of Village residents; and

**WHEREAS**, the Village operates and maintains a road network (the "Roads") as part of its municipal function; and

**WHEREAS**, maintaining the Roads in a safe and usable condition requires the expenditure of a substantial amount of Village funds; and

**WHEREAS**, the Corporate Authorities find that as a result of the weight and size of trailers and semitrailers (collectively "Trailers") that travel on the Roads in the Village the rate of the general deterioration of the Roads is increased, thereby also increasing the need for more frequent maintenance of the Roads; and

**WHEREAS**, in the Village, there exists a number parcels of property where the owner of said property services said Trailers or allows said Trailers to park on their property (the "Truck Lots"), usually for a fee; and

**WHEREAS**, the Corporate Authorities find that the existence of the Truck Lots within the Village has further increased the rate of the deterioration of the Roads and further find that the taxpayers and citizens of the Village should not have to bear the burden of the increased maintenance needed to the Roads as a result of the increased Trailer traffic caused by the Truck Lots; and

**WHEREAS**, based upon the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 14, to add a new Article, specifically Article XI, Trailer and Semitrailer Storage and Service Tax to the Municipal Code, Village of Stickney, Illinois (the "Village Code") as set forth below;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:**

**ARTICLE I.  
IN GENERAL**

**SECTION 1. INCORPORATION CLAUSE.**

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

**SECTION 2. PURPOSE.**

The purpose of this Ordinance is to amend Chapter 14, to add a new Article, specifically Article XI, Trailer and Semitrailer Storage and Service Tax and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.  
AMENDMENT ADDING ARTICLE XI, TRAILER AND SEMITRAILER STORAGE AND  
SERVICE TAX TO CHAPTER 14 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY,  
ILLINOIS**

**SECTION 3. AMENDMENT OF CHAPTER 14, TO ADD ARTICLE XI, TRAILER AND SEMITRAILER STORAGE AND SERVICE TAX TO CHAPTER 14 OF THE MUNICIPAL CODE, VILLAGE OF STICKNEY, ILLINOIS**

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 14 to add a new Article, specifically Article XI, Trailer and Semitrailer Storage and Service Tax as follows:

ARTICLE XI. TRAILER AND SEMITRAILER STORAGE AND SERVICE TAX

Sec. 14-335 – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Person* includes an individual, corporation, partnership, association or other entity residing within the town.

*Residing* within the village includes owning, leasing or otherwise controlling property or a place of business regardless of where the principal place of business is located wherein trailers or semitrailers are stored, repaired, serviced, loaded or unloaded within the village.

*Semitrailer* means a vehicle designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

*Trailer* means a vehicle designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Sec. 14-336 – Administration.

The village collector shall administer collection of the tax imposed in this article and shall prescribe such regulations regarding payment and reporting of the tax as he or she may from time to time deem necessary.

Sec. 14-337 – Applicability.

Nothing contained in this article shall be construed as in any manner repealing or modifying any provision of the village ordinances relating to any particular business that is licensed by the village wherein motor vehicles or other vehicles are being used upon the public ways of the village. This article shall not apply to any person who stores, repairs, services, loads or unloads any trailer or semitrailer owned or leased by said person on real property owned, leased or legally occupied by said person where such trailer or semitrailer is used in furtherance of any business conducted by the person on said property.

Sec. 14-338 – Tax Imposed.

Any person residing within the village who stores, repairs, services, loads or unloads any trailer or semitrailer or who causes or permits any of his or her agents, employees, lessees, licensees or bailees to store, repair, service, load or unload any trailer or semitrailer shall pay to the village the tax described in this article.

Sec. 14-339 – Rate.

The tax payable under this article shall be \$1.00 per day per each trailer and semitrailer stored, repaired, serviced, loaded or unloaded within the village. Failure to comply with this section shall result in a minimum fine of \$100.00 and a maximum fine of \$750.00.

Sec. 14-340 – Reserved.

**SECTION 3.1. OTHER ACTIONS AUTHORIZED.**

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

**ARTICLE III.  
HEADINGS, SAVINGS CLAUSES, PUBLICATION,  
EFFECTIVE DATE**

**SECTION 4. HEADINGS.**

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

**SECTION 5. SEVERABILITY.**

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

**SECTION 6. SUPERSEDER.**

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

**SECTION 7. PUBLICATION.**

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

**SECTION 8. EFFECTIVE DATE.**

This Ordinance shall be effective and in full force ten (10) days after its passage and approval.

(REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK)

**PASSED** this 7<sup>th</sup> day of August, 2018.

**AYES:** Trustees Hrejsa, Kapolnek, Milenkovic, Torres and White

**NAYS:** none

**ABSENT:** Trustee Savopoulos

**ABSTENTION:** none

**APPROVED** by me this 7<sup>th</sup> day of August, 2018.

---

**Jeff Walik, President**

**ATTESTED AND FILED** in my  
office this 7<sup>th</sup> day of August, 2018.

---

**Audrey McAdams, Village Clerk**