

PROPOSED SUBSTITUTE TO FILE 16-1374

Finance Public Hearing and Committee 5/11/2016 @ 9:00am

Sponsored by: TONI PRECKWINKLE, President, Cook County Board of Commissioners

PROPOSED ORDINANCE AMENDMENT

PARKING LOT AND GARAGE OPERATIONS TAX

NOW THEREFORE BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 74 – Taxation, Article XIII. Parking Lot and Garage Operations Tax, Sections 74-512 and 74-514 be amended as follows:

ARTICLE XIII. - PARKING LOT AND GARAGE OPERATIONS TAX

Sec. 74-512. - Tax imposed.

(a) A tax is imposed upon the use and privilege of parking a motor vehicle in or upon any parking lot or garage in the County. The tax shall be collected by operators and valet parking operators, as described in this Article, from any person who seeks the privilege of occupying space in or upon any parking lot or garage.

(b) Valet Parking Operators are required to collect and remit the tax imposed by this Article, for each motor vehicle parked at a Parking Lot or Garage, as described in this Article; however, if the valet parking operator has a written agreement with a parking lot or garage operator that designates an amount of consideration paid by the valet parking operator which the parking lot or garage operator remits to the Department as parking lot and garage operations tax, or proof of such tax being paid to the parking lot or garage operator, the valet parking operator may take a credit for the amount remitted by the parking lot or garage operator. The valet parking business shall have the burden of proving its entitlement to this credit with books, records and other documentary evidence. ~~the valet parking operator is not required to collect or remit the tax if the Valet Parking Operator pays the tax to the Operator, who shall remit the tax to the Department.~~

(c) Tax rates through August 31, 2013.

(1) The following tax rates imposed upon the use and privilege of parking a motor vehicle in or upon parking lots or garages, except for parking lots and garages in subsection (2), are in effect through August 31, 2013.

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	\$2.00 or less	\$0.00
24 hours or less	\$2.01 to \$4.99	0.50
24 hours or less	\$5.00 to \$11.99	0.75

24 hours or less	\$12.00 or more	1.00
Weekly	\$10.00 or less	0.00
Weekly	\$10.01 to \$24.99	2.50
Weekly	\$25.00 to \$59.99	3.75
Weekly	\$60.00 or more	5.00
Monthly	\$40.00 or less	0.00
Monthly	\$40.01 to \$99.99	10.00
Monthly	\$100.00 to \$239.99	15.00
Monthly	\$240.00 or more	20.00

- (2) The following tax rates imposed upon the use and privilege of parking a motor vehicle in or upon parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less are in effect through August 31, 2013.

Parking Charge or Fee Time Period	Imposed by Operator	Tax Amount
24 hours or less	\$3.00 or less	\$0.00
24 hours or less	\$3.01 or \$4.99	0.50
24 hours or less	\$5.00 to \$11.99	0.75
24 hours or less	\$12.00 or more	1.00
Weekly	\$15.00 or less	0.00
Weekly	\$15.01 to \$24.99	2.50
Weekly	\$25.00 to \$59.99	3.75

Weekly	\$60.00 or more	5.00
Monthly	\$60.00 or less	0.00
Monthly	\$60.01 to \$99.99	10.00
Monthly	\$100.00 to \$239.99	15.00
Monthly	\$240.00 or more	20.00

(d) Tax rates effective September 1, 2013.

- (1) A tax upon the use or privilege of parking a motor vehicle in or upon parking lots or garages, except for parking lots and garages in subsection (2), is hereby imposed at the rate of six percent of the charge or fee paid for parking for a 24-hour period or less and nine percent of the charge or fee paid for parking for a weekly or monthly period. This tax shall not apply if the charge or fee paid for parking in such parking lots or garages does not exceed \$2.00 for a 24-hour period or less, \$10.00 for a weekly period or \$40.00 for a monthly period.
- (2) A tax upon the use and privilege of parking a motor vehicle in or upon parking lots or garages owned by municipalities with populations of 250,000 inhabitants or less is hereby imposed at the rate of six percent of the charge or fee paid for parking for a 24-hour period or less and nine percent of the charge or fee paid for parking for a weekly or monthly period. This tax shall not apply if the charge or fee paid for parking in such parking lots or garages does not exceed \$3.00 for a 24-hour period or less, \$15.00 for a weekly period or \$60.00 for a monthly period.

(e) The ultimate incidence of and liability for payment of the tax is on the person who seeks the privilege of occupying space in or upon the parking lot or garage.

(f) The tax imposed by this Section shall not apply to:

- (1) Residential off-street parking of house or apartment or condominium occupants, wherein an arrangement for parking is provided in the house or apartment lease in a written agreement between the landlord and tenant;
- (2) Residential parking provided for condominium occupants pursuant to a written agreement between the condominium association and the owner, occupant or guest of a unit owner, whether the parking charge is payable to the landlord, condominium association, or to the operator of the parking lot or garage; or
- (3) To hospital and medical center employees parking at a parking lot or garage where the hospital or medical center is the employer and, as described in this Article, operator.

(g) The amount of the tax due under this Article shall be computed exclusive of any Federal, State or municipal taxes imposed.

Sec. 74-514. - Maintenance of records.

(a) It shall be the duty of every operator and valet parking operator to keep accurate and complete books and records to which the Director of Revenue shall, at all times, have full access. These books and records shall include all cash register or other receipts required by this Article, all tickets and voided tags, and a daily sheet for each location showing:

- (1) The number of motor vehicles parked in or on each lot or garage, segregated on a daily, weekly, monthly, or other basis, and also segregated by the amount of the charge or fee imposed for parking; and
- (2) The actual parking lot or garage tax receipts collected from all parking transactions.
- (3) Any other original source documents and books of entry denoting the transactions that gave rise, or may have given rise, to any tax liability, exemption or deduction or defense to liability.

(b) All books and records required by this Section shall be retained for the taxable time period as listed in the statute of limitations section of the Uniform Penalties, Interest and Procedures Ordinance, Article III, Sec. 34-60 et seq. ~~not less than four years after the end of the calendar year in which they are created;~~ provided, however, that an operator on an annual basis may request approval from the Director of Revenue to discard tickets or tags that were issued more than one year earlier, and the Director shall grant approval if the director determines that the operator's books and records satisfy the requirements of this Article.

Effective date: This ordinance shall be in effect immediately upon its adoption.