

**ORDINANCE NO. 2019- 22**

**CITY OF STREATOR  
LA SALLE AND LIVINGSTON COUNTIES, ILLINOIS**

**DESIGNATING AND APPROVING THE  
STREATOR BUSINESS DEVELOPMENT DISTRICT NO. 1**

**and**

**IMPOSING A RETAILERS' OCCUPATION TAX,  
A SERVICE OCCUPATION TAX, AND A HOTEL OPERATORS' OCCUPATION TAX**

**in the**

**STREATOR BUSINESS DEVELOPMENT DISTRICT NO. 1**

**APPROVED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF STREATOR,  
LA SALLE AND LIVINGSTON COUNTIES, ILLINOIS  
ON THE 27<sup>TH</sup> DAY OF AUGUST, 2019.**

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**STREATOR BUSINESS DEVELOPMENT DISTRICT NO. 1**

**PREAMBLE**

**WHEREAS**, the City of Streator, LaSalle and Livingston Counties, Illinois, (the "City"), desires to approve a Redevelopment Plan and designate a Business District Redevelopment Area (the "BDD Area") pursuant to the Business District Development and Redevelopment Act, 65 ILCS 5/11-74.3 *et. seq.*, hereinafter referred to as the "Act", for the proposed **Streator Business Development District No. 1** (the "Business Development District" or "BDD") within the municipal boundaries of the City of Streator and within the BDD Area as described in Section 1(a) of this Ordinance, which area is both blighted and contiguous and includes only those parcels of real property that will directly and substantially benefit from the proposed Business Development District Plan (the "BDD Plan"), pursuant to the Act; and

**WHEREAS**, pursuant to Section 11-74.3-2(a) of the Act, on May 22, 2019, the City approved Ordinance No. 2019-17 to propose the approval of a BDD Plan and establish a date for a Public Hearing for the proposed Streator Business Development District No. 1; and

**WHEREAS**, pursuant to Section 11-74.3-2(b) of the Act, due notice in respect to a Public Hearing was given by publication in *The Times* on May 30, 2019 and June 6, 2019; and

**WHEREAS**, pursuant to Section 11-74.3-2(c) of the Act, on June 19, 2019 the City Council caused a Public Hearing to be held relative to the approval of the BDD Plan and the designation of the BDD Area at the Streator City Hall, 204 S. Bloomington St., Streator, Illinois. At said Public Hearing, all interested persons were given an opportunity to be heard on the question of the designation of the Business Development District, the approval of the BDD Plan, the imposition of a Business Development District Tax and the issuance of obligations by the City to provide for the payment of eligible business district project costs; and

**WHEREAS**, the BDD Plan sets forth the factors constituting the need for the redevelopment of blighted areas within the proposed BDD Area and the City Council has reviewed comments concerning such needs presented at the Public Hearing and has reviewed other studies and is generally informed of the conditions in the proposed Area; and

**WHEREAS**, the City Council has reviewed the conditions pertaining to lack of private investment within the proposed Area to determine whether contiguous parcels of real property and improvements thereon in the proposed Area would be substantially benefitted by the proposed public and private redevelopment project improvements; and

**WHEREAS**, the City Council finds that the Area on-the-whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed or redeveloped without the adoption of the BDD Plan; and

**WHEREAS**, the City Council has further determined that the implementation of the Redevelopment Plan will help to: further reduce unemployment by increasing employment opportunities in the local commercial and light industrial sectors; increase retail business activity; improve public infrastructure; revitalize and repurpose underutilized buildings; increase the overall value, public safety and quality of life of the community for its residents; address blighting conditions that retard the provision of housing accommodations; and by completing the Redevelopment Projects, enhance the tax base of the taxing districts that extend into the Area; and

**WHEREAS**, the City Council has reviewed the proposed BDD Plan, Land Use and Zoning Map, Comprehensive Plan and Subdivision Ordinances for the development of the municipality as-a-whole to determine whether the proposed BDD Plan conforms to the Ordinances of the municipality; and

**WHEREAS**, upon adoption of the BDD Plan, Projects and Area, the City Council shall impose a retailers' occupation tax and a service occupation tax in the Business Development District for the planning, execution, and implementation of the BDD Plan and to pay for business district project costs as set forth in the BDD Plan; and

**WHEREAS**, upon adoption of the BDD Plan, Projects and Area, the City Council shall impose a hotel operators' occupation tax in the Business Development District for the planning, execution, and implementation of the BDD Plan and to pay for business district project costs as set forth in the BDD Plan.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STREATOR, LA SALLE AND LIVINGSTON COUNTIES, ILLINOIS, THAT:**

1. The Mayor and City Council of the City of Streator, Illinois hereby make the following findings:
  - a. The Area described in *Exhibit A* (Boundary Description) and *Exhibit B* (Boundary Map) attached to and made a part hereof is designated as the **“Streator Business Development District No. 1.”**
  - b. The Business District Area is contiguous and includes only parcels of real property that are directly and substantially benefitted by the Business District Plan as required by the Act.

- c. There exist conditions set forth herein and in the Qualifying Factors described in the BDD Plan which cause the Area to qualify as a “Blighted Area”, as defined by Section 11-74.3-5 the Act, and such conditions are widely present throughout the Business District.
  - d. The proposed BDD Area on-the-whole has not been subject to growth and development through investment by private enterprise and would not be reasonably anticipated to be developed or redeveloped without the adoption of the BDD Plan.
  - e. The BDD Plan conforms to the Land Use and Zoning Map, Comprehensive Plan and Subdivision Ordinances for the development of the municipality as-a-whole.
2. The Business District shall be completed upon payment of all business district project costs and retirement of all obligations paying or reimbursing business district project costs, but not later than 23 years after the date of adoption of this Ordinance.
3. Pursuant to the authority granted to the City under Section 11-74.3-3 (10) of the Act, a **Retailers’ Occupation Tax** is hereby imposed upon:
  - a. All persons engaged in the business of selling tangible personal property within the BDD, other than an item titled or registered with an agency of the government of the State of Illinois, at retail in the Business District, at a rate of **One Percent (1.0%)** of the gross receipts of the sales made in the course of such business.
  - b. This tax shall not be imposed on 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), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.
  - c. The Business District Retailers’ Occupation Tax imposed hereunder and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois Department of Revenue in the same manner as all retailers’ occupation taxes imposed in the City.
  - d. Persons subject to any tax imposed under Subsection 11-74-74.3-6 (b) of the Act may reimburse themselves for their seller’s tax liability under this subsection by separately stating the 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 Illinois Department of Revenue may prescribe.

4. Pursuant to the authority granted to the City under Section 11-74.3-3 (10) of the Act, a **Service Occupation Tax** is hereby imposed upon:
  - a. All persons engaged in the business of making sales of service within the BDD, 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 of **One Percent (1.0%)** of the selling price of the tangible personal property so transferred within the Business District (the "Business District Service Occupation Tax"); and
  - b. This tax shall not be imposed on 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), prescription and nonprescription medicines, drugs, medical appliances, modifications to a motor vehicle for the purpose of rendering it usable by a person with a disability, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use.
  - c. The Business District Service Occupation Tax imposed hereunder and all civil penalties that may be assessed as an incident thereof shall be collected and enforced by the Illinois Department of Revenue in the same manner as all service occupation taxes imposed in the City.
  - d. Persons subject to any tax imposed under the authority granted in Subsection 11-74-74.3-6 (c) of the Act may reimburse themselves for their serviceman's tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with State tax that servicemen are authorized to collect under the Service Use Tax Act, in accordance with such bracket schedules as the Illinois Department of Revenue may prescribe.
5. Pursuant to the authority granted to the City under Section 11-74.3-3 (11) of the Act, a **Hotel Operators' Occupation Tax** is hereby imposed upon:
  - a. All persons in the BDD who are engaged in the business of renting, leasing, or letting rooms in a hotel, as defined in the Hotel Operators' Occupation Tax Act, at a rate of **One Percent (1.0%)** of the gross rental receipts from the renting, leasing, or letting of hotel rooms within the business district, excluding, however, from gross rental receipts the proceeds of renting, leasing, or letting to permanent residents of a hotel, as defined in the Hotel Operators' Occupation Tax Act, and proceeds from the tax imposed under subsection (c) of Section 13 of the Metropolitan Pier and Exposition Authority Act.
  - b. Pursuant to the Act, the tax imposed by the municipality under this subsection and all civil penalties that may be assessed as an incident to that tax shall be collected and enforced by the City of Streator.

- c. Persons subject to any tax imposed under the authority granted in Subsection 11-74-74.3-6 (d) of the Act may reimburse themselves for their tax liability for that tax by separately stating that tax as an additional charge, which charge may be stated in combination, in a single amount, with State taxes imposed under the Hotel Operators' Occupation Tax Act, and with any other tax.
6. All revenues received by the City from the Business District Retailers' Occupation Tax, Business District Service Occupation Tax, and Hotel Operators' Occupation Tax imposed hereunder shall be deposited into a special fund of the City designated as the ***"Streator Business Development District No. 1 Tax Allocation Fund."*** Any revenues in the Business District Tax Allocation Fund will be used for paying or reimbursing business district project costs and obligations incurred in the payment of those costs.
7. A certified copy of this Ordinance, together with a description of the boundaries of the Business Development District, shall be filed with the Illinois Department Revenue on or before the 1<sup>st</sup> day of October, 2019 in accordance with Section 11-74.3-6 of the Act.
8. The Streator Business Development District No. 1 Tax Allocation Fund shall be dissolved no later than 270 days following payment to the municipality of the last distribution of taxes as provided in Section 11-74.3-5 of the Act.
9. The estimated date for retirement of obligations, if any, incurred to finance the BDD Redevelopment Projects costs shall be no later than twenty (20) years from the effective date of the Ordinance related to such obligations, or the end of the District, whichever occurs first.
10. The Streator Business Development District Redevelopment Plan is hereby adopted and approved. A copy of the BDD Plan is attached hereto as ***Exhibit C*** and made a part of this Ordinance.
11. Upon approval of this Ordinance and pursuant to Section 11-74.3-2(f), the Streator BDD Plan, the boundaries of the BDD Area, and the taxes herein imposed may be amended or altered.
  - a. Changes which: (i) alter the exterior boundaries of the business district, (ii) substantially affect the general land uses described in the business district plan, (iii) substantially change the nature of any business district project, (iv) change the description of any developer, user, or tenant of any property to be located or improved within the proposed business district, (v) increase the total estimated business district project costs set out in the business district plan by more than Five Percent (5.0%) after adjustment for inflation from the date the BDD Plan was approved, (vi) add additional business district costs to the itemized list of estimated business district costs as approved in the BDD Plan, or (vii) impose or change the rate of any tax to be imposed pursuant to subsection (10) or (11) of Section 11-74.3-3 may be made by the

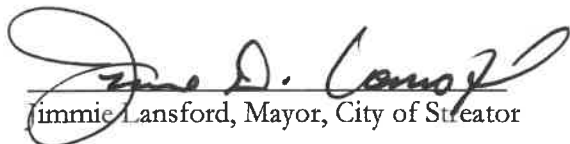
City only after the City by ordinance fixes a time and place for, gives notice by publication of, and conducts a public hearing pursuant to the procedures set forth in Section 11-74.3-2 of the Act.

- 12. All ordinances and parts of ordinances in conflict herewith are hereby repealed.
- 13. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED, APPROVED AND ADOPTED** by the Corporate Authorities of the City of Streator, LaSalle and Livingston Counties, Illinois, on the 27<sup>th</sup> day of August, A.D., 2019, and deposited and filed in the Office of the City Clerk of said City on that date.

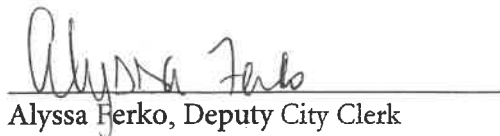
CORPORATE AUTHORITIES	AYES	NAYS	ABSTAIN/ABSENT
Tara Bedei	✓		
Brian Crouch	✓		
Joe Scarbeary	✓		
Ed Brozak			✓
Jimmie Lansford, Mayor	✓		
<b>TOTALS:</b>	4		1

**APPROVED:**

  
 Jimmie Lansford, Mayor, City of Streator

08.27.2019  
 Date

**ATTEST:**

  
 Alyssa Ferko, Deputy City Clerk

8/27/19  
 Date

**EXHIBITS:**

- Exhibit (A) Streator Business Development District No. 1 Boundary Description
- Exhibit (B) Streator Business Development District No. 1 Boundary Map
- Exhibit (C) Streator Business Development District No. 1 Redevelopment Plan

## EXHIBIT A

### STREATOR BUSINESS DEVELOPMENT DISTRICT NO. 1

#### BOUNDARY DESCRIPTION

The City of Streator Business Development District #1 is comprised of an area made up of a part of Section 23, Township 31 North, Range 3 East of the Third Principal Meridian in Streator Illinois, LaSalle County, more particularly described as follows: Beginning at a point on the north right-of-way line of Danny's Drive, said point being the extreme west end of said north right-of-way line lying west of Elizabeth Place; thence east along said north right-of-way line to its intersection with the west right-of-way line of Elizabeth Place; thence north along said west right-of-way line to the southeast corner of LaSalle County parcel 33-23-221-002; thence west along the south line of said parcel to the southwest corner of said parcel; thence north to the northwest corner of LaSalle County parcel 33-23-221-004; thence east to the northeast corner of LaSalle County parcel 33-23-221-005; thence south along the east line of said parcel to its intersection with the north right-of-way line of Elizabeth Place; thence easterly and southerly along said right-of-way line to its intersection with the north right-of-way line of Danny's Drive; thence east 33.5' feet to a point along said north right-of-way line north of the northwest corner of LaSalle County parcel 33-23-219-010; thence south along the west line of said parcel to its intersection with the north line of LaSalle County parcel 33-23-219-014; thence east along said north line to the southwest corner of LaSalle County parcel 33-23-219-011; thence north along the west line of said parcel to its intersection with the south right-of-way line of Danny's Drive; thence east along said south right-of-way line to the northeast corner of LaSalle County parcel 33-23-219-011, said point also lying on the east line of LaSalle County parcel 33-23-219-015; thence south along said east line to a point along said east line where said east line turns to the east; thence east along said line to its intersection with the west right-of-way line of Bloomington Street; thence south along said west right-of-way line to the southeast corner of LaSalle County parcel 33-23-219-015; thence west along the south line of said parcel to its intersection with the south line of LaSalle County parcel 33-23-219-014; thence west along the south line of said LaSalle County parcel 33-23-219-014 to its intersection with the east right-of-way line of Richards Street; thence north along said east right-of-way line to its intersection with the south line of LaSalle County parcel 33-23-241-000; thence east along said south line to the southeast corner of said parcel; thence north along the east line of said LaSalle County parcel 33-23-241-000 to the point of beginning.