

VILLAGE OF BANNOCKBURN

ORDINANCE NO. 2024 - 08

**AN ORDINANCE ESTABLISHING A NEW CHAPTER 210 ARTICLE XII IMPOSING A NEW  
FEE ON THE TENANT'S PRIVILEGE OF RENTING NON-RESIDENTIAL REAL PROPERTY  
FOR STORAGE OF PERSONAL PROPERTY  
(SELF-STORAGE FACILITY RENTAL FEE)**

Adopted by the President and Board of Trustees  
of the Village of Bannockburn  
this 8<sup>th</sup> day of April, 2024

Published in pamphlet form by direction  
and authority of the Village of Bannockburn  
Lake County, Illinois  
this 9<sup>th</sup> day of April, 2024

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ORDINANCE NO. 2024-08

**AN ORDINANCE ESTABLISHING NEW CHAPTER 210 ARTICLE XII IMPOSING A NEW FEE ON THE TENANT'S PRIVILEGE OF RENTING NON-RESIDENTIAL REAL PROPERTY FOR STORAGE OF PERSONAL PROPERTY (SELF-STORAGE FACILITY RENTAL FEE)**

**WHEREAS**, the Village of Bannockburn (the "**Village**") is a home rule municipality operating under the authority of Article VII, Section 6 of the Illinois Constitution; and

**WHEREAS**, home rule municipalities have the power to impose taxes, including certain sales taxes, subject to the limitations set forth in Section 6 of Article VII of the Illinois Constitution; and

**WHEREAS**, the Illinois General Assembly has, consistent with Article VII, Section 6 of the Illinois Constitution, imposed limitations on the authority of home rule units to impose certain taxes, but those limitations do not affect taxes imposed on tenant's privilege of renting non-residential real property for storage of personal property (self-storage facility rental fee); and

**WHEREAS**, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

**WHEREAS**, the rental from self-storage facilities within the Village boundaries imposes costs on the Village associated with their operations, and unlike retail businesses in the community, storage facilities contribute only marginal sales tax revenue to the Village to help defray those costs; and

**WHEREAS**, the President and Board of Trustees of the Village have determined that it is in the best interests of the Village and its residents to impose a fee on the privilege of leasing self-storage units within the Village as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BANNOCKBURN, COUNTY OF LAKE, AND STATE OF ILLINOIS, as follows:

**SECTION ONE:**      **Recitals.** The foregoing recitals are incorporated herein as if fully set forth.

**SECTION TWO:**      **Establishment and Imposition of Tax.** The President and Board of Trustees of the Village hereby establish and impose a “Home Rule Self-Storage Facility Rental Fee” by amending the Village Code to establish a new Article XII, to be entitled “Self-Storage Facility Rental Fee,” of Chapter 210, entitled “Taxation,” which new Article XII shall be and read as follows:

**CHAPTER 210**

**TAXATION**

\*           \*           \*

**ARTICLE XII. Self-Storage Facility Rental Fee**

- § 210-62 Fee Imposed**
- § 210-63 Definition of Self Storage Facility**
- § 210-64 Fee to Be Borne by Tenant**
- § 210-65 Self-Storage Facility to Secure Fee from Tenant**
- § 210-66 Registration and Records to Be Kept; Payment of Fee to Village**
- § 210-67 Payment of Fee to Village**
- § 210-68 Enforcement, Penalties, Fines and Interest, Suspension of License**

**§ 210-62 FEE IMPOSED:**

There is hereby imposed upon the rental or leasing of any Storage Unit in a Self-Storage Facility in the Village of Bannockburn, a “Self-Storage Facility Rental Fee” at the rate of five percent (5%) of the gross rental or leasing charge for any Storage Unit. This fee shall be in addition to all other taxes and fees.

**§ 210-63 DEFINITIONS:**

- a. **RENTER:** A "Renter" means a person who enjoys the privilege of leasing, licensing, renting, or otherwise using a Storage Unit within the corporate limits of the Village.
- b. **SELF-STORAGE FACILITY:** A "Self-Storage Facility" is a self-storage or mini-warehouse use for which a special use permit has been granted under the Zoning Code by the President and Board of Trustees.
- c. **STORAGE UNIT:** Any space or unit made available for rent, lease, or license in a Self-Storage Facility. A Storage Unit shall include parking spaces, or other areas intended for use as vehicular parking, used for the storage of cars, trucks, boats, trailers, recreational vehicles, or other vehicles.

**§ 210-64 FEE TO BE BORNE BY TENANT:**

The ultimate incidence of and liability for payment of the Self-Storage Facility Rental Fee shall be borne by the Renter of any Storage Unit. Nothing herein shall be construed to impose a tax upon the occupation of leasing or operating Self-Storage Facilities.

**§ 210-65 SELF-STORAGE FACILITY TO SECURE FEE FROM TENANT:**

The Self-Storage Facility Rental Fee shall be collected by the Self-Storage Facility owner, manager, or operator from the Renter of a Storage Unit when collecting the price, charge or rent for use of the Storage Unit. Every Renter shall be given a bill, invoice, receipt, or other statement or memorandum of the price, charge or rent payable upon which the Self-Storage Facility Rental Fee shall be stated, charged, and shown separately.

**§ 210-66 REGISTRATION AND RECORDS TO BE KEPT:**

Every owner, manager, or operator of a Self-Storage Facility in the Village shall register with the Village on forms provided by the Finance Department. Each such owner, manager, or operator shall have the duty to maintain complete and accurate books,

records and accounts showing the gross receipts for the lease or rental of any Self-Storage Facility accommodations within the Village of Bannockburn and showing the prices, rents or charges made or charged, and occupancies subject to a fee under this Self-Storage Facility Rental Fee, The Village Manager, or his/her designee, shall at all reasonable times have full access to said books and records.

**§ 210-67 PAYMENT OF FEE TO VILLAGE:**

- A. On or before the twenty-fifth day of each month (the "**Reporting Date**"), using forms provided by the Finance Department, each Self-Storage Facility in the Village shall file, with the Finance Department, a fee payment and a monthly return showing fee receipts with respect to the Self-Storage Facility Rental Fee from the prior month (a "**Reporting Period**").
- B. The Village, in its discretion, may request from the Self-Storage Facility evidence documenting reported rentals. Any failure to supply documentation to substantiate correct payment shall be deemed a violation of this Code.
- C. If any Self-Storage Facility owner, manager or operator fails to collect the Self-Storage Facility Rental Fee, the owner shall remain liable for the Self-Storage Facility Rental Fee not collected and shall pay the amount of the Self-Storage Facility Rental Fee due to the Village in accordance with this Chapter
- D. Every owner, manager or operator of a Self-Storage Facility in the Village shall be entitled to retain two percent (2%) of all fee monies collected as the Self-Storage Facility Rental Fee to defray the administrative burdens and costs associated with serving as fee collector for the Village. The retained percentage shall be shown as a debit on the fee form filed with the Village with the remainder of the Self-Storage Facility Rental Fee revenues turned over to the Village together with the corresponding return.

**§ 210-68 ENFORCEMENT, PENALTIES, FINES, AND INTEREST, SUSPENSION OF LICENSE:**

- A. **Notice of Delinquency:** If the Village Manager determines that a person required to pay or collect the Self-Storage Facility Rental Fee has failed to pay to, or collect on behalf of, the Village all Self-Storage Facility Rental Fees due pursuant to this article, the Village Manager shall notify the person of that determination in writing. The notice shall also set forth a date on which the person may contest the determination in an administrative hearing before the Village Board of Trustees.
- B. **Interest and Penalty.** In the event any such person fails to collect and remit the Self-Storage Facility Rental Fee (or any portion thereof) to the Village within seven days after any Reporting Date, a penalty of ten percent (10%) of the unpaid portion of the Self-Storage Facility Rental Fee due with respect to such Reporting Period shall be assessed and collected against such person. In addition, in the event any person required to collect and remit the Self-Storage Facility Rental Fee fails to collect and remit the tax (or any portion thereof) to the Village within thirty (30) days after the Reporting Date as provided in this article, interest shall begin and continue to accumulate and be due upon the unpaid portion of the Self-Storage Facility Rental Fee and any penalty at the rate of one percent (1%) per month. Whenever any interest or penalty shall be imposed in accordance with this Section, any payment received from a person obligated to pay the Self-Storage Facility Rental Fee shall be credited first to any interest, next to any penalty, and finally to the Self-Storage Facility Rental Fee that is due and owing beginning with the taxes that have been outstanding the longest. Interest and penalties shall continue to accrue until all Self-Storage Facility Rental Fee amounts that are due and owing have been paid.

- C. **Proceeds of Tax:** All funds and proceeds from the Self-Storage Facility Rental Fee, including, without limitation, any interest and penalties collected pursuant to this article, shall be credited to and deposited into the general fund of the Village.
- D. **Suspension or Revocation of License:** If, after an opportunity to be heard at an administrative hearing, it is found that any person has willfully evaded its responsibility to collect and pay to the Village the Self-Storage Facility Rental Fee due pursuant to this article, the Village Manager or Village President may, in addition to any other authorized actions, suspend or revoke any or all Village licenses issued to the person. Any license suspension or revocation resulting from the hearing shall not relieve or discharge the person of civil liability for the nonpayment of the self-storage facility rental fee.
- E. **Additional Penalties:** In addition to other penalties or enforcement actions that may be imposed pursuant to other provisions of this article or other applicable statutes or ordinances, any person found guilty, in a court of competent jurisdiction, of violating, disobeying, omitting, neglecting, or refusing to comply with, or resisting or opposing the enforcement of, any provision of this article, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for the first offense in any calendar year, and not less than two hundred fifty dollars (\$250.00) nor more than nor more than seven hundred fifty dollars (\$750.00) for the second and each subsequent offense in any calendar year. Each day any violation of any provision of this article continues to exist shall constitute a separate punishable offense.
- F. **Enforcement:** The Village Manager, or his or her designee, may prescribe reasonable rules, definitions and regulations to collect this fee.
- G. **Effect on Other Provisions:** Nothing in this article shall be deemed (a) to authorize any activity or use not specifically authorized by the village zoning

regulations, (b) to amend the village zoning regulations, or (c) to grant any authorization or approval that may be required under the village zoning regulations.

H. **Severability:** If any portion of this article, or the application of any portion of this article to any specific person, is found invalid or unenforceable by a court of competent jurisdiction, such finding shall not affect the validity and enforceability of the remaining provisions of this article, or the application of any other portion of this article to any other specific person; which provisions and applications shall be given full force and effect to the maximum extent possible, notwithstanding any finding of partial invalidity.

**SECTION THREE: Notification.** Prior to the effective date of this Ordinance, the Village Manager, or his or her designee, shall take appropriate steps to notify Self-Storage Facilities within the Village of this new ordinance.

**SECTION FOUR: Effective Date.** This Ordinance shall be in full force and effect as of June 1, 2024, and after its passage, approval, and publication in pamphlet form in the manner provided by law.

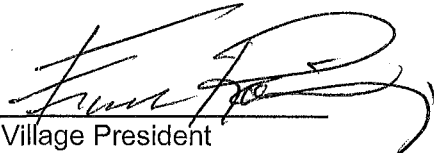
PASSED THIS 8<sup>th</sup> DAY of April, 2024.

AYES: Boyle, Cox, Herrmann, Korner

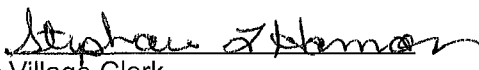
NAYS: None

ABSENT: Martin, Turner

APPROVED this 8<sup>th</sup> day of April, 2024.

  
Village President

ATTEST:

  
Deputy Village Clerk

4869-9964-7156, v. 2