

## ORDINANCE NO. F-1476

### AN ORDINANCE AMENDING CHAPTER 66 (TAXATION), ARTICLE VIII (UTILITY TAX) OF THE WHEATON CITY CODE

**WHEREAS**, the City of Wheaton is a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; 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**, in furtherance of its home rule powers, it is necessary and desirable for the City of Wheaton to amend its ordinances regarding taxation by amending its municipal utility tax.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the City of Wheaton, DuPage County, Illinois, as follows:

Section 1: That Chapter 66 (Taxation), Article VIII (Utility Tax), Section 66-222 (Imposed) of the Wheaton City Code, 1996, is hereby amended and restated to read as follows:

"Section 66-222. Imposed.

(1) Pursuant to section 65 ILCS 5/8-11-2, the City's home rule authority, and any and all other applicable authority, a tax is imposed upon the privilege of using or consuming electricity acquired in a purchase at retail and used or consumed within the corporate limits of the City at the following rates, calculated on a monthly basis, for each purchaser:

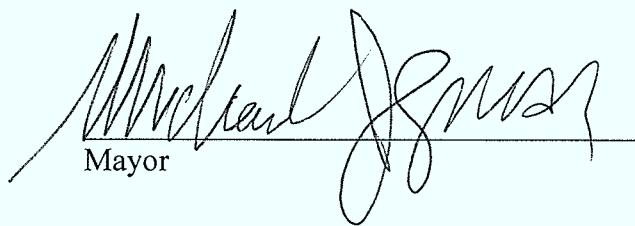
- a. For the first 2,000 kilowatt-hours used or consumed in a month; 0.610 cents per kilowatt-hour;
- b. For the next 48,000 kilowatt-hours used or consumed in a month; 0.400 cents per kilowatt-hour;
- c. For the next 50,000 kilowatt-hours used or consumed in a month; 0.360 cents per kilowatt-hour;
- d. For the next 400,000 kilowatt-hours used or consumed in a month; 0.350 cents per kilowatt-hour;
- e. For the next 500,000 kilowatt-hours used or consumed in a month; 0.340 cents per kilowatt-hour;

- f. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.320 cents per kilowatt-hour;
- g. For the next 2,000,000 kilowatt-hours used or consumed in a month; 0.315 cents per kilowatt-hour;
- h. For the next 5,000,000 kilowatt-hours used or consumed in a month; 0.310 cents per kilowatt-hour;
- i. For the next 10,000,000 kilowatt-hours used or consumed in a month; 0.305 cents per kilowatt-hour; and
- j. For all electricity used or consumed in excess of 20,000,000 kilowatt-hours in a month; 0.300 cents per kilowatt-hour.

1. This tax is in addition to all taxes, fees, and other revenue measures imposed by the city, the State of Illinois, or any other political subdivision of the state.
2. Notwithstanding any other provision of this chapter, this tax shall not be imposed if and to the extent that imposition or collection of the tax would violate the Constitution or statutes of the United States or the Constitution of the State of Illinois.”

Section 2: All ordinances or parts of ordinances in conflict with these provisions are repealed to the extent of such conflict.

Section 3: This ordinance shall become effective from and after its passage, approval and publication in pamphlet form in the manner prescribed by law for bills issued on or after May 1, 2010.



Michael J. Morris  
Mayor

ATTEST:



Linda M. Conner  
City Clerk

Roll Call Vote

Ayes: Councilman Suess  
Councilman Mouhelis  
Mayor Gresk  
Councilman Scalzo

Nays: Councilwoman Corry  
Councilman Levine  
Councilman Prendiville

Absent: None

Motion Carried

Passed: March 15, 2010  
Published: March 16, 2010

