

Article XVII: Package Liquor Tax

Section 350: Title.

This Article shall be known and cited as the City of Bloomington privilege tax upon the privilege of purchasing alcoholic liquor at retail, and the tax herein imposed shall be known and cited as the City of Bloomington privilege tax upon the privilege of purchasing alcoholic liquor at retail. (Ordinance No. 2003-57)

Section 351: Definitions.

For the purposes of this Article, whenever any of the following words, terms or definitions are used herein, they shall have the meaning ascribed to them in this section:

- (a) **Alcoholic liquor:** Alcoholic liquor is defined in the same manner as the term is defined in Chapter 6, Section 1 of the Bloomington City Code, 1960, as amended, except, however, the term shall not include alcoholic liquor beverages purchased for immediate consumption on the premises where sold.
- (b) **Liquor establishment:** Any premises required to obtain a retail liquor license pursuant to Chapter 6 of the Bloomington City Code, 1960, as amended, and any premises which may sell alcoholic liquor at retail without a City of Bloomington license.
- (c) **Owner:** Any person or persons having a sufficient proprietary interest in conducting the operation of a liquor establishment so as to entitle such a person or persons to all or a portion of the net receipts thereof.
- (d) **Person:** The term shall mean any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm copartnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations shall mean the owners or part-owners thereof, and as applied to corporations, the officers thereof.
- (e) **Sale at retail:** Means any transfer of the ownership of alcoholic liquor to a purchaser for the purposes of use or consumption and shall include any transfer to a purchaser for use or consumption by any other person to whom such purchaser may transfer the alcoholic liquor without a valuable consideration.
- (f) **City:** Means City of Bloomington. (Ordinance No. 2003-57)

Section 352: Imposition of Tax.

There is hereby levied and imposed upon the privilege of purchasing alcoholic liquor at any liquor establishment in the City, a tax of four percent (4%) of the purchase price, exclusive of any other tax charged for such alcoholic liquor. (Ordinance No. 2008-7)

Section 353: Liability for Payment.

(a) The ultimate incidence of and liability for payment of said tax shall be borne by the person who seeks the privilege of purchasing alcoholic liquor at retail at any liquor establishment, said person hereinafter referred to as "consumer".

(b) The tax herein levied shall be paid in addition to any and all other taxes and charges. It shall be the duty of the owner, manager or operator of every liquor establishment to secure said tax from the consumer of a liquor establishment and remit to the City of Bloomington said tax under the rules and regulations prescribed by the City Manager and as otherwise provided in this article. (Ordinance No. 2003-57)

Section 354: Collection of Tax.

Every person required to collect the tax levied by this article shall secure said tax from the consumer at the time he collects payment for the sale of alcoholic liquor at retail. The amount due under the tax provided in this article shall be stated separately on the invoice receipt or other statement or memorandum of the payment given to the consumer at the time of payment, unless the person required to collect the tax does not have a cash register that separately states such tax. In any event the person required to collect the tax shall keep records that clearly support total liquor sales and liquor taxes due hereunder. (Ordinance No. 2003-57)

Section 355: Rules and Regulations.

The Finance Director of the City of Bloomington may promulgate rules and regulations not inconsistent with the provisions of this Article concerning the enforcement and application of this Article. The term "rules and regulations" includes, but is not limited to, a case by case determination whether or not the tax imposed by this Article applies. (Ordinance No. 2017-28)

Section 356: Filing of Return.

The owner or owners of each liquor establishment within the City of Bloomington shall file tax returns showing tax receipts received during each monthly period on forms prescribed by the City Manager. The returns shall be due on or before the 25th day of the calendar month succeeding the end of the monthly filing period. At the time of filing said returns, the owner shall remit to the City of Bloomington all taxes collected for the period to which the tax return applies. (Ordinance No. 2003-57)

Section 357: Failure to Pay, Collect, or Remit Tax.

Whenever any person shall fail to pay any tax as herein provided or required, or to file any tax return, the penalties, interest, and collection procedures set forth in Article XV shall apply in addition to any other rights and remedies provided to the City by law or ordinance. (Ordinance No. 2014-21)

Section 358: Records.

(a) Every owner, manager, or operator of a liquor establishment in the City of Bloomington shall keep books and records which, at a minimum, include a daily sheet showing:

1. The amount of taxable receipts within the twenty-four (24) hour period; and
2. The actual liquor establishment tax receipts collected for the date in question.

(b) The City Manager or his delegate shall at all reasonable times have full access to said books and records.

(c) The financial records of any liquor establishment submitted pursuant to this article or any rule and regulation promulgated thereunder shall not be available for public inspection in order to protect the owners' right to privacy except when necessary in any action to enforce collection of tax under this Article. (Ordinance No. 2003-57)

Section 359: Exemptions.

The tax imposed under this Article shall not apply or be imposed upon a person organized and operated exclusively for charitable, religious, or educational purposes to the extent alcoholic liquor is purchased by such person and used solely for the charitable, religious or educational purposes of such person and is not resold for profit. (Ordinance No. 2003-57)

Section 360: Suspension or Revocation of Licenses for Failure to Comply; Hearing.

(a) Procedure for persons not holding a City liquor license: If the City Manager, after a hearing held by or for him, shall find that any person has willfully avoided collection or remittance of the tax imposed by this Article, he may suspend or revoke all city licenses held by such person. The owner, manager, or operator of the liquor establishment shall have an opportunity to be heard and such hearing to be held not less than five (5) days after notice of the time and place of the hearing addressed to the owner, manager, or operator at his last known place of business. The suspension or revocation of any license shall not release or discharge the owner, manager, or operator of the liquor establishment from his civil liability for the collection or remittance of the tax nor for prosecution of such offense. (Ordinance No. 2003-57)

(b) Procedure for persons holding a City liquor license: If the Liquor Commissioner, after a hearing held by or for him, shall find that any person has willfully avoided collection or remittance of the tax imposed by this Article, he may suspend or revoke the retail liquor license held by said person. The suspension or revocation of the retail liquor license shall not release or discharge the owner, manager or operator of the liquor establishment from his civil liability for the collection or remittance of the tax nor for prosecution of such offense. (Ordinance No. 2003-57)

Section 361: Disposition of Proceeds of Tax.

All proceeds resulting from the imposition of the tax under this Article, including penalties, shall be paid into the treasury of the City of Bloomington, and shall be credited to and deposited in the general fund of the City. (Ordinance No. 2003-57)

Section 362: Penalty.

Any person found guilty of violating, disobeying, omitting, neglecting or refusing to comply with or resisting or opposing the enforcement of any of the provisions of this Article, except when otherwise specifically provided, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day of violation shall constitute a separate and distinct offense. (Ordinance No. 2003-57)