

ORDINANCE NUMBER 04 - 06

**ORDINANCE PROVIDING FOR IMPOSITION OF
HOME RULE MUNICIPAL AND SERVICE OCCUPATION
TAX EXEMPTING CERTAIN FOOD AND DRUGS**

WHEREAS the Village of East Dundee submitted the following proposition to the voters of the Village of East Dundee, to wit:

“Shall the Village of East Dundee be a Home Rule Unit as provided in the Illinois Constitution, Local Government Article”; and

WHEREAS, a vote on such proposition was taken on March 16, 2004, and a canvass of the results of said vote were completed by the Village of East Dundee on March 29, 2004; and

WHEREAS, the canvass of said vote on the proposition to become a Home Rule Unit was 503 votes in favor and 459 votes against; and

WHEREAS, the Village of East Dundee has further determined that it desires to impose a Home Rule Municipal and Service Occupation Tax in the amount of 1 percent on sales within the corporate limits of the Village of East Dundee; and

WHEREAS, the Village of East Dundee desires to exempt certain food and drugs from the imposition of said 1 percent Home Rule Municipal and Service Occupation Tax; and

WHEREAS, upon adoption of said ordinance, the Village of East Dundee shall file a certified copy thereof on or before April 1, 2004, with the Illinois Department of Revenue; and

WHEREAS, said ordinance imposing the Home Rule Municipal Retailers Occupational Tax and the Home Rule Municipal Service Occupation Tax shall thereafter take effect on the first day of July next following the adoption and filing.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, KANE AND COOK COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. A tax is hereby imposed (a) pursuant to 65 ILCS 5/8-11-1 on all persons engaged in the business of selling tangible personal property, and (b) pursuant to 65 ILCS 5/8-11-5 on all persons engaged in the business of making sales of service at the same rate of tax imposed pursuant to 65 ILCS 5/8-11-1 on all tangible personal property transferred by such servicemen either in the form of tangible personal property or in the form of real estate as an incident to the sale of service, other than an item of tangible property titled or registered with an agency of this state's government, at retail in this municipality at the rate of one percent (1%) of the gross receipts from such sales made in the course of such business while this ordinance is in effect; and a tax is hereby imposed on all persons engaged in this municipality in the business of making sales of service, at the rate of one percent (1%) of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. Such "Home Rule Municipal Retailer's Occupational Tax" and the "Home Rule Municipal Service Occupation Tax" shall not be applicable on the sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food which has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

The imposition of these Home Rule Taxes is in accordance with authority generally given under Section 8-11-1 and 8-11-5 et seq., of the Illinois Municipal Code.

Section Two. The taxes hereby imposed and all civil penalties that may be assessed as an incident thereto shall be collected and enforced by the Illinois Department of Revenue of the State of Illinois. The Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance in accordance with the foregoing terms and conditions.

Section Three. The Village Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before the first day of April, 2004.

Section Four. This Ordinance shall take effect on the first day of July, 2004, following adoption, publication, and filing of this Ordinance with the Illinois Department of Revenue.

Section Five. That this Ordinance shall be in full force and effect and after its passage and approval according to law.

Section Six. Severability. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

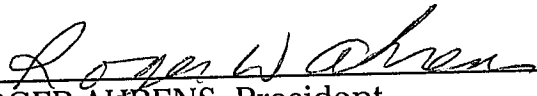
Section Seven. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Eight. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 29th day of March, 2004, pursuant to a roll call vote as follows:

AYES: Zaeste, Ruffalo, Bartels, Schock, Van Ostenbridge, Scarpelli
NAYES: None
ABSENT: None

Approved by me this 29th day of March, 2004.



ROGER AHRENS, President

Published in pamphlet form this 29th day of March, 2004, under the authority of the President and Board of Trustees.

ATTEST:



JANE THEIS, Village Clerk

Recorded in the Village Records on March 29th, 2004.

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