

ORDINANCE No. 2019-22

AN ORDINANCE AMENDING TITLE 3, CHAPTER 22 OF THE MUNICIPAL CODE OF THE VILLAGE OF WEST DUNDEE, ILLINOIS IMPOSING MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

WHEREAS, the Village of West Dundee, Kane County, Illinois, is a home rule municipality as contemplated under article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois;

WHEREAS, the Illinois Compiled Statutes Chapter 235 ILCS Article IV under the Illinois Liquor Control Act which has expressly conferred certain powers on municipalities with regard to the issuance of retail liquor licenses; and

WHEREAS, the Village is authorized pursuant to the provisions of the Illinois Municipal Cannabis Retailers' Occupation Tax Law, 65 ILCS 5/11-8-22 *et seq.* (the "Act") to impose a retail occupation tax not to exceed three percent (3%) on the sale of recreational cannabis; and,

WHEREAS, the Village President and Board of Trustees have determined it to be in the best interest of its taxpayers to impose the tax authorized by the act providing for a municipal cannabis retailers' occupation tax which will be collected by the Illinois Department of Revenue.

NOW, THEREFORE, BE IT ORDAINED, by the President and Board of Trustees of the Village of West Dundee, Kane County, Illinois, as follows:

Section 1: The foregoing recitals are hereby incorporated in this Section One as if said recitals were fully set forth herein.

Section 2: The Municipal Code of the Village of West Dundee is hereby amended to add the following new section to Title 3, Chapter 22:

3-22: Municipal Cannabis Retailers' Occupation Tax.

A. *Tax Imposed; Rate.*

1. A tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the *Compassionate Use of Medical Cannabis Pilot Program Act*, a retail in the City at the rate of three percent (3%) of the gross receipts from these sales made in the course of that business.
2. The imposition of this tax is in accordance with the provisions of Sections 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

B. Collection of Tax by Retailers.

1. The tax imposed by this Ordinance shall be remitted by such retailer to the Illinois Department of Revenue (Department). Any tax required to be collected pursuant to or as authorized by this Ordinance and any such tax collected by such retailer and required to be remitted to the Department shall constitute a debt owed by the retailer to the State. Retailers may reimburse themselves for their seller's tax liability hereunder by separately stating that tax as an additional charge which charge may be stated in combination, in a single amount, with any State tax that sellers are required to collect.
2. The taxes hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Department. The Department shall have full power to administer and enforce the provisions of this article.

Section 3: *Severability.* If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision of its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

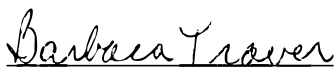
Section 4: *Effective Date.* This Ordinance shall be in full force and effect from and after its passage and approval and publication as required by law, provided, however, that the tax provided for herein shall take effect for all sales on or after the first day of January 2020. Copies of this Ordinance shall be certified and sent to the Illinois Department of Revenue prior to September 30, 2019.

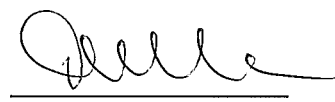
Section 5: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law and after publication in pamphlet form pursuant to the authority of the Board of Trustees.

APPROVED and PASSED by the Board of Trustees of the Village of West Dundee, Kane County, Illinois, and approved by the President of said Village this 23rd day of September, 2019.

AYES: Trustees Price, Hanley, Yuscka, Anderley, Wilbrandt and Kembitzky
NAYS: None
ABSENT: None

ATTEST:


Barbara Traver
Village Clerk


Christopher Nelson
Village President