

ORDINANCE NUMBER 20 - 01

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING SECTION 35.16 OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REGARDING THE IMPOSITION OF A MUNICIPAL CANNABIS RETAILERS' OCCUPATION TAX

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on September 16, 2019, the President and Board of Trustees of the Village adopted Ordinance 19-29, entitled "An Ordinance of the Village of East Dundee, Cook and Kane Counties, Illinois, Creating Section 35.16 of the Village of East Dundee Village Code Regarding the Imposition of a Municipal Cannabis Retailers' Occupation Tax," which created a new Section 35.16 of the East Dundee Village Code ("Village Code") which imposes a tax on the retail sale of recreational use cannabis at a rate of three percent (3%); and

WHEREAS, on December 4, 2019, pursuant to Public Act 101-593, the section number for the section of the Illinois Municipal Code that authorizes the municipal cannabis retailers' occupation tax, 65 ILCS 5/8-11-22, was revised to be 65 ILCS 5/8-11-23; and

WHEREAS, as Section 35.16 of the Village Code makes reference to the prior section of the Illinois Municipal Code authorizing the municipal cannabis retailers' occupation tax, the reference therein needs to be revised; and

WHEREAS, on August 9, 2019, pursuant to said Public Act 101-363, the word "Pilot" was deleted from the title of the "Illinois Compassionate Use of Medical Cannabis Pilot Program Act;" and

WHEREAS, as Section 35.16 of the Village Code makes reference to the "Illinois Compassionate Use of Medical Cannabis Pilot Program Act," the reference therein to said Act needs to be revised; and

WHEREAS, the President and Board of Trustees of the Village find that amending Section 35.16 of the Village Code to comply with Public Act 101-593 and Public Act 101-363 best serves the public's health, safety and welfare;

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

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows:

Section 35.16 of the Village Code, entitled "Municipal Cannabis Retailer's Occupation Tax," is hereby amended and shall read in its entirety as follows:

- "A. Whenever used herein, unless the context requires otherwise, the words, terms and phrases used herein shall have the meaning ascribed to them in the Illinois Cannabis Regulation and Tax Act, 410 ILCS 705/1, *et seq.*, as amended.

- B. If the Village permits the retail sale of cannabis in the Village, a tax is hereby imposed upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Illinois Compassionate Use of Medical Cannabis Program Act, 410 ILCS 130/1, *et seq.*, at retail in the Village at the rate of three percent (3%) of the gross receipts from these sales made in the course of that business. Retailers may reimburse themselves for their tax liability hereunder by separately stating the tax as an additional charge, which charge may be stated in combination, in a single amount, with any State tax that retailers are required to collect. The imposition of this tax is in accordance with the provisions of Section 8-11-23 of the Illinois Municipal Code, 65 ILCS 5/8-11-23, as amended, which is incorporated as though fully set forth herein. The tax levied herein is in addition to any and all other taxes and charges.

- C. The tax hereby imposed, and all civil penalties that may be assessed as an incident thereto, shall be remitted to, collected by and enforced by the Department of Revenue of the State of Illinois in accordance with the provisions of Section 8-11-23 of the Illinois Municipal Code, 65 ILCS 5/8-11-23, as amended. The Department of Revenue of the State of Illinois shall have full power to administer and enforce the provisions of this Section. The failure to timely collect or remit all taxes due hereunder is a violation of the Village of East Dundee Village Code, and may be subject to the penalties hereunder."

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That 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 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.


ADOPTED this 13th day of January, 2020 pursuant to a roll call vote as follows:

AYES: Trustees Selep, Lynam, Mahony, Andresen and Kunze

NAYES: Ø

ABSENT: Trustee Wood

APPROVED by me this 13th day of January, 2020.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 14th day of January, 2020, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on January 14, 2020.