

ORDINANCE NO. 2020-07

**AN ORDINANCE AMENDING CHAPTER 78, ARTICLE VII OF THE VILLAGE OF STICKNEY
MUNICIPAL CODE REGARDING RECREATIONAL CANNABIS TAXATION FOR THE
VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.**

WHEREAS, the Village of Stickney (the “Village”) is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the “President”) and the Board of Trustees of the Village (the “Village Board” and with the President, the “Corporate Authorities”) are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, the Village of Stickney Code of Ordinances (the “Village Code”), previously enacted regulations related to taxation (the “Existing Regulations”); and

WHEREAS, the Illinois General Assembly recently adopted the Cannabis Regulation and Tax Act (the “Act”), which legalizes the possession, sale and distribution of cannabis beginning January 1, 2020, in accordance with the Act (410 ILCS 705/1-1 et seq.); and

WHEREAS, the Illinois Generally Assembly also recently adopted the Municipal Cannabis Retailers' Occupation Tax Law, which authorizes the corporate authorities of local municipalities to impose, by ordinance, a tax upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act, at retail in the municipality on the gross receipts from these sales made in the course of that business, in an amount not to exceed three percent (3%) of the gross receipts from these sales (65 ILCS 5/8-11-23); and

WHEREAS, the Corporate Authorities, in exercise of the power and authority reserved to them under the Municipal Cannabis Retailers' Occupation Tax Law, have determined that it is in the interest of the public health and public safety to impose a tax upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act, at retail within the corporate limits of the Village on the gross receipts from these sales made in the course of that business, in an amount equal to three percent (3%) of the gross receipts from such sales; and

WHEREAS, the Corporate Authorities have determined that it is in the best interests of the public health, safety and welfare of the residents of the Village and the efficient operation of government to amend the Village Code to update the Existing Regulations; and

WHEREAS, in light of the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 78, Article VII of the Village Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 78, Article VII of the Village Code to update, amend, and clarify the Village's existing regulations, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 78, ARTICLE VII OF THE MUNICIPAL CODE,
VILLAGE OF STICKNEY, ILLINOIS**

SECTION 3.0 AMENDMENT OF CHAPTER 78, ARTICLE VII

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 78, Article VII by striking out any language to be removed or repealed and underlining any new language as follows:

ARTICLE VII. – RESERVED RETAIL CANNABIS TAX

Secs. 78-221—78-240. – Reserved.

Sec. 78-221. – Imposed.

A tax is hereby imposed, in accordance with the Municipal Cannabis Retailers' Occupation Tax Law (65 ILCS 5/8-11-23), upon all persons engaged in the business of selling cannabis, other than cannabis purchased under the Compassionate Use of Medical Cannabis Program Act, at retail in the corporate limits of the village at the rate of 3% of the gross receipts from these sales made in the course of that business.

Sec. 78-222. – Collection and enforcement.

The tax imposed by this chapter, and all civil penalties that may be assessed as an incident thereto, shall be collected and enforced by the Illinois Department of Revenue. The Illinois Department of Revenue shall have full power to administer and enforce the provisions of this article. Any tax required to be collected pursuant to or as authorized by this article and any such tax collected by such retailer and required to be remitted to the Illinois Department of Revenue shall constitute a debt owed by the retailer to the State of Illinois. 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, as provided in 65 ILCS 5/8-11-23.

Sec. 78-223. – Effective date.

The tax provided for in this article shall take effect for sales on or after the first day of July, 2020, or on or after such other date as provided for by 65 ILCS 5/8-11-23 or other applicable enactment of law.

Secs. 78-224—78-240. - Reserved.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance. The Village Clerk shall cause a certified copy of this Ordinance to be filed with the Illinois Department of Revenue as soon as possible after approval of this Ordinance.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be in full force and effect immediately, following its passage, approval and publication, as provided by law.

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PASSED this 7th day of April, 2020.

AYES: Trustee Hrejsa, Kapolnek, Milenkovic, Savopoulos, Torres & White

NAYS: None

ABSENT: None

ABSTENTION: None

APPROVED by me this 7th day of April, 2020.

Jeff Walik, President

ATTESTED AND FILED in my
office this 7th day of April, 2020.

Audrey McAdams, Village Clerk