

VILLAGE OF TOLONO
CHAMPAIGN COUNTY, ILLINOIS

ORDINANCE NO. 2020-O-5

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE
VILLAGE OF TOLONO BY THE ADDITION CHAPTER 34,
SECTION 34.48 IMPOSING A MUNICIPAL CANNABIS
RETAILER'S OCCUPATION TAX

ADOPTED THIS
3RD DAY OF MARCH, 2020

Published by authority of the President and Board of Trustees of the Village of Tolono this 3rd
day of March, 2020.

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WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that protect the public health, safety and welfare of its citizens; and

WHEREAS, this Ordinance is adopted pursuant to the provisions of the Illinois Municipal Cannabis Retailers' Occupation Tax Law, 65 ILCS 5/11-8-22 *et seq.* ("Act") and;

WHEREAS, this Ordinance is intended 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 Board of Trustees of the Village of Tolono as follows:

SECTION 1. Recitals. That facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

SECTION 2. Adoption of Tax. Chapter 34 of the Municipal Code of the Village of Tolono shall be amended by the addition of Section 34.48 that will read as follows:

"§ 34.48 Municipal Cannabis Retailers' Occupation Tax.

1. Tax imposed; Rate.

(a) 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, at retail in the Village at the rate of 3% of the gross receipts from these sales made in the course of that business.

(b) The imposition of this tax is in accordance with the provisions of Section 8-11-22, of the Illinois Municipal Code (65 ILCS 5/8-11-22).

2. Collection of tax by retailers.

(a) The tax imposed by this Ordinance shall be remitted by such retailers 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 change may be stated in combination, in a single amount, with any State tax that sellers are required to collect.

(b) 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.”

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 or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

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.

ADOPTED THIS 3rd day of March, 2020.

Motioned for approval by Trustee Vicki Buffo

With a second by Trustee Jared Robbins, roll call vote:


Vicki Buffo yes

Jared Robbins yes

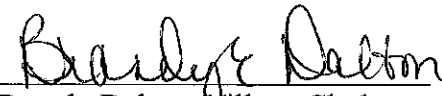
Ryan Perry yes

Terrence Stuber abstain

Jared Ping yes


Rob Murphy, President

ATTEST:


Brandy Dalton, Village Clerk

(SEAL)

Recorded in the Municipal Records: March 3, 2020.
Published in pamphlet form: March 3, 2020.