

9/4/2019

89-O-19

AN ORDINANCE

**Amending the Municipal Retailers Occupation Tax and
Municipal Service Occupation Tax to Increase the Rate
Assessed from 1.0% to 1.25% and Deleting Duplicative
Sections and the Municipal Use Tax**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Section 3-2-5 "*Municipal Retailers Occupation Tax*" of the City of Evanston City Code of 2012 (the "City Code") is hereby deleted and the section number is reserved for potential future use.

SECTION 2: Section 3-2-6 "*Municipal Service Occupation Tax*" of the City Code is hereby deleted and the section number is reserved for potential future use.

SECTION 3: Section 3-2-7 "*Home Rule Municipal Retailers' and Service Occupation Tax Exempting Certain Food and Drugs*" of the City Code is amended to read as follows:

3-2-7. - HOME RULE MUNICIPAL RETAILERS' AND SERVICE OCCUPATION TAX EXEMPTING CERTAIN FOOD AND DRUGS.

(A) A tax is hereby imposed upon all persons engaged in the business of selling tangible personal property, other than an item of tangible personal property titled or registered with an agency of this state's government, at retail in this municipality at a rate of one and quarter percent (1.25%) of the gross receipts from such sales made in the course of such business while this Section is in effect; and a tax is hereby imposed upon all persons engaged in this

municipality in the business of making sales of service, at the rate of one and a quarter percent (1.25%) of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. The "Home Rule Municipal Retailers' Occupation Tax" and this "Home Rule Municipal Service Occupation Tax" may not be imposed on tangible personal property taxed at the rate of 1.0% under the Retailers' Occupation Tax Act and the Service Occupation Tax Act.

The imposition of these home rule taxes is in accordance with the provisions of 65 ILCS 5/8-11-1 and 5/8-11-5, respectively, as amended.

(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 of revenue of the state of Illinois. The department of revenue shall have full power to administer and enforce the provisions of this Section.

SECTION 4: Section 3-2-8 "*Municipal Use Tax*" of the City Code is hereby deleted and the section number is reserved for potential future use.

SECTION 5: The City Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue on or before October 1, 2019. The Ordinance will take effect on January 1, 2020, following filing of the Ordinance on or before October 1, 2020.

SECTION 6: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

Introduced: September 9, 2019

Approved:

Adopted: September 23, 2019

September 24, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Eduardo Gomez, Deputy City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup
Corporation Counsel