

CITY OF GILMAN, ILLINOIS

ORDINANCE NO. 19-20-09

**ORDINANCE IMPOSING MUNICIPAL  
CANNABIS RETAILERS' OCCUPATION TAX**

**WHEREAS**, the City of Gilman, Illinois, a Home Rule Municipality, (City) has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and 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 City Council of the City of Gilman, as follows:

**SECTION 1. Recitals.** The 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.** Title 3, Revenue and Finance, of the Municipal Code of the City of Gilman be and is hereby amended by the addition of Chapter 3.24 that will read as follows:

**TITLE 3, CHAPTER 3.24, 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 City 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 Sections 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 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.

(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 in pamphlet form as is 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.

ADOPTED THIS 9th day of December, 2019.

AYES: Randy Eimen, Michael McGehee, William Kraft, Darrel Bachman,  
John Elliott and Steve Fancher

NAYS: \_\_\_\_\_

ABSTENTIONS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

APPROVED THIS 9th day of December, 2019.

Rick Theesfeld

Rick Theesfeld, Mayor

ATTEST:

Susan J. Morris  
Susan J. Morris, City Clerk