

ORDINANCE NO. O-08-10

NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX AND NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX

WHEREAS, on November 7, 2000 the voters of the City of Galena approved, by public referendum vote of 1,278 in favor to 372 against, and the City imposed by Ordinance O-00-43 a ½ of one percent (0.5%) Non-Home Rule Municipal Retailers' Occupation Tax and a ½ of one percent (0.5%) Non-Home Rule Municipal Service Occupation Tax to be used by the City of Galena to help pay for the cost of constructing and maintaining a new wastewater treatment plant, and

WHEREAS, on February 5, 2008 the voters of the City of Galena approved, by public referendum vote of 731 in favor to 302 against, and imposed by Ordinance O-08-05 another ½ of one percent (0.5%) Non-Home Rule Municipal Retailers' Occupation Tax and another ½ of one percent (0.5%) Non-Home Rule Municipal Service Occupation Tax to be used by the City of Galena for the costs of street and related infrastructure improvements, and

WHEREAS, the taxes approved on November 7, 2000 became effective January 1, 2003, and

WHEREAS, the taxes approved on February 5, 2008 are scheduled to become effective July 1, 2008, and

WHEREAS, effective July 1, 2008, the total rate for the Non-Home Rule Municipal Retailers' Occupation Tax will be one percent (1.0%) and the total rate for the Non-Home Rule Municipal Service Occupation Tax will be one percent (1.0%), and

WHEREAS, the City seeks to codify the imposition of the Non-Home Rule Municipal Retailers' Occupation Tax and Non-Home Rule Municipal Service Occupation Tax approved by the voters of the City of Galena.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Galena, Jo Daviess County, Illinois, as follows:

SECTION 1. Chapter § 35.08 "Retailers' Service Occupation Tax and Municipal Service Occupation Tax," § 35.20 "Levied; Amount," § 35.21 "Filing of Monthly Reports," § 35.22 "Payments of Tax," § 35.35 "Levied; Amount," and § 35.36 "Filing of Monthly Reports; Tax to be Paid" are hereby *repealed in full* and replaced with the following:

**NON-HOME RULE MUNICIPAL RETAILERS' OCCUPATION TAX
AND NON-HOME RULE MUNICIPAL SERVICE OCCUPATION TAX**

§35.20 LEVIED; AMOUNT.

(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 and registered with an agency of this State's government, at retail in this municipality at the rate of one-percent (1.0%), effective July 1, 2008, of the gross receipts from such sales made in the course of such business while this ordinance 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-percent (1.0%), effective July 1, 2008, of the selling price of all tangible personal property transferred by such serviceman as an incident to a sale of service. This "Non-Home Rule Municipal Retailers' Occupation Tax" and this "Non-Home Rule Municipal Service Occupation Tax" shall not be applicable to the sales of food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances and insulin, urine testing materials, syringes and needles used by diabetics.

(B) The imposition of these non-home rule taxes is in accordance with the provisions of Sections 8-11-1.3 and 8-11-1.4, respectively, of the Illinois Municipal Code (65 ILCS 5/8-11-1.3 and 5/8-11-1.4).

§35.21 COLLECTION AND ENFORCEMENT.

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 the full power to administer and enforce the provisions of this ordinance.

§35.22 USE OF TAX REVENUE COLLECTED.

(A) One-half of the tax revenues collected and distributed to the City of Galena by the Illinois Department of Revenue under this subchapter shall be used by the City of Galena to help pay for the cost of constructing and maintaining a new wastewater treatment plant.

(B) One-half of the tax revenues collected and distributed to the City of Galena by the Illinois Department of Revenue under the this subchapter shall be used by the City of Galena for the costs of street and related infrastructure improvements.

SECTION II: The City Clerk is hereby directed to file a certified copy of this ordinance and a certification that the ordinance received referendum approval with the Illinois Department of Revenue on or before the first day of May, 2008.

SECTION III: All ordinances or parts of ordinances conflicting with the provisions of

this ordinance are hereby repealed, including Ordinance O-08-05.

SECTION IV: Passed on this 28th day of April A.D., 2008, in open Council.

SECTION V: This ordinance shall be in full force and effect on April 28, 2008.

AYES:

Murphy, Fach, Greene,
Hahn, Lincoln, Murdock,
Brusch

NAYS:

None



Tom Brusch, Mayor

ATTESTATION:

I certify that the above is a true and correct copy of the ordinance passed by the City Council of Galena, Illinois, at a meeting held on April 28, 2008.



Mary Beth Hyde, City Clerk