

ORDINANCE NO. MC-1088

**AN ORDINANCE AMENDING CHAPTER 38 OF THE HOMEWOOD
MUNICIPAL CODE IMPLEMENTING A MUNICIPAL GROCERY
RETAILERS' OCCUPATION TAX AND A MUNICIPAL GROCERY SERVICE
OCCUPATION TAX**

WHEREAS, the Illinois Municipal Code, 65 ILCS 5/1-2-1, provides that the corporate authorities of each municipality may pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities, with such fines or penalties as may be considered proper; and,

WHEREAS, the Village of Homewood ("Village") is a non-home rule Illinois municipality under the Constitution of the State of Illinois of 1970, as amended; and,

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) provides that, beginning on January 1, 2026, all Illinois municipalities may impose a tax "upon all persons engaged in the business of selling groceries at retail in the municipality" (the "Municipal Grocery Tax") (65 ILCS 5/8-11-24); and,

WHEREAS, the Municipal Grocery Retailers' Occupation Tax may be imposed "at the rate of 1% of the gross receipts from these sales" (65 ILCS 5/8-11-24); and,

WHEREAS, any Municipal Grocery Retailers' Occupation Tax shall be administered, collected, and enforced by the Illinois Department of Revenue; and

WHEREAS, before January 1, 2026, this tax was imposed by the State of Illinois; and

WHEREAS, Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) requires any municipality imposing a Municipal Grocery Retailers' Occupation Tax under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24) to also impose a Service Occupation Tax at the same rate, "upon all persons engaged, in the municipality, in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries" as "an incident to a sale of service" (the "Municipal Grocery Service Occupation Tax") (65 ILCS 5/8-11-24); and,

WHEREAS, any Municipal Grocery Service Occupation Tax shall be administered, collected, and enforced by the Illinois Department of Revenue; and,

WHEREAS, the Village President and Board of Trustees of the Village of Homewood believe that it is appropriate, necessary and in the best interests of the Village and its residents, that the Village levy a Municipal Grocery Retailers' Occupation Tax and Grocery Service Occupation Tax as permitted by Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Homewood, Cook County, Illinois, as follows:

SECTION ONE – INCORPORATION OF RECITALS:

The foregoing recitals are incorporated as findings of fact as if the recitals were fully set forth herein.

SECTION TWO – AMENDMENT TO THE HOMEWOOD MUNICIPAL CODE:

Chapter 38 of the Homewood Municipal Code is amended by the addition of the following new Article VIII:

ARTICLE VIII. – MUNICIPAL GROCERY TAX

Sec. 38-191. - Municipal Grocery Retailers' Occupation Tax Imposed.

A tax is hereby imposed upon all persons engaged in the business of selling groceries at retail in this municipality at the rate of 1% of the gross receipts from such sales made in the course of such business while this Ordinance is in effect. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

Sec. 38-192. - Municipal Grocery Service Occupation Tax.

A tax is hereby imposed upon all persons engaged in this municipality in the business of making sales of service, who, as an incident to making those sales of service, transfer groceries as an incident to a sale of service. The rate of this tax shall be the same rate identified in Section 2, above. The imposition of this tax is in accordance with and subject to the provisions of Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24).

Sec. 38-193. - Illinois Department of Revenue to Administer Both Taxes.

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 Illinois Department of Revenue shall have full power to administer and enforce the provisions of this Ordinance.

SECTION THREE – CLERK TO FILE ORDINANCE WITH THE ILLINOIS DEPARTMENT OF REVENUE:

As required under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24), the Clerk is hereby directed to file a certified copy of this Ordinance with the Illinois Department of Revenue by October 1, 2025.

SECTION FOUR – EFFECTIVE DATE OF TAX:

The taxes imposed by this Ordinance shall take effect on January 1, 2026.

SECTION FIVE – REPEAL OF CONFLICTING PROVISIONS; SEVERABILITY:

All ordinances, resolutions, and policies or parts thereof, in conflict with this Ordinance are, to the extent of the conflict, repealed on the effective date of this Ordinance. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, this 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.

SECTION SIX – EFFECTIVE DATE:

This ordinance shall be in full force and effect after its passage, approval, and publication in accordance with law.

PASSED and APPROVED this 10th day of June, 2025.

Village President

ATTEST:

Village Clerk

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____