

ORDINANCE NO. 2019-10

AN ORDINANCE AMENDING CHAPTER 78, SECTION 78-318 OF THE VILLAGE OF STICKNEY MUNICIPAL CODE REGARDING LOCAL MOTOR FUEL TAX FOR THE VILLAGE OF STICKNEY, COUNTY OF COOK, STATE OF ILLINOIS.

WHEREAS, the Village of Stickney (the "Village") is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and to review, interpret and amend its ordinances, rules and regulations; and

WHEREAS, the Village President (the "President") and the Board of Trustees of the Village (the "Village Board" and with the President, the "Corporate Authorities") are committed to ensuring the health, safety and welfare of individuals residing in, working in and visiting the Village; and

WHEREAS, pursuant to Public Act No. 101-0032 (the "Public Act"), which among other things creates Section 8-11-2.3 of the Illinois Municipal Code (65 ILCS 5/8-11-2.3), in addition to any other tax that may be imposed, a municipality in a county with a population of over 3,000,000 inhabitants may also impose, by ordinance, a tax on motor fuel at a rate not to exceed \$0.03 per gallon; and

WHEREAS, in light of the foregoing, the Corporate Authorities have determined that it is necessary, advisable and in the best interests of the Village and its residents to amend Chapter 78, Section 78-318 of the Village Code as set forth herein;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF STICKNEY, COOK COUNTY, ILLINOIS, as follows:

**ARTICLE I.
IN GENERAL**

SECTION 1. INCORPORATION CLAUSE.

The Corporate Authorities hereby find that all of the recitals hereinbefore stated as contained in the preambles to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

SECTION 2. PURPOSE.

The purpose of this Ordinance is to amend Chapter 78, Section 78-318 of the Village Code to update, amend, and clarify the Village's existing regulations, and to authorize the President or his designee to take all actions necessary to carry out the intent of this Ordinance.

**ARTICLE II.
AMENDMENT OF CHAPTER 78, SECTION 78-318 OF THE MUNICIPAL CODE,
VILLAGE OF STICKNEY, ILLINOIS**

SECTION 3.0 AMENDMENT OF CHAPTER 78, SECTION 78-318

That the Village Code is hereby amended, notwithstanding any provision, ordinance, resolution or Village Code section to the contrary, by amending Chapter 78, Section 78-318 by striking out any language to be removed or repealed and underlining any new language as follows:

Sec. 78-318. - Imposition of tax.

- (a) There is hereby imposed and shall be collected a tax upon the privilege of purchasing motor fuel at retail in the village at a rate of four cents per U.S. gallon.
- (b) In the event motor fuel is dispensed by a unit of measure other than U.S. gallon, then the tax shall be imposed at the same ratio of four cents per U.S. gallon to the unit of measure.
- (c) In addition to any other tax imposed under this section, beginning on July 1, 2019, an additional tax is now imposed pursuant to 65 ILCS 5/8-11-2.3, upon all persons in the village engaged in the business of selling motor fuel as now or hereafter defined in the motor fuel tax law at retail for the operation of motor vehicles upon public highways or for recreational watercrafts upon waterways at a rate of three cents (\$0.03) per gallon, or the maximum rate permitted by law, of motor fuel sold at retail within the village for the use or consumption and not for resale. This tax shall be collected and discharged in accordance with 65 ILCS 5/8-11-2.3.

SECTION 3.1. OTHER ACTIONS AUTHORIZED.

The officers, employees and/or agents of the Village shall take all action necessary or reasonably required to carry out, give effect to and consummate the amendments contemplated by this Ordinance and shall take all action necessary in conformity therewith. The officers, employees and/or agents of the Village are specifically authorized and directed to draft and disseminate any and all necessary forms or notices to be utilized in connection with the intent of this Ordinance.

ARTICLE III. HEADINGS, SAVINGS CLAUSES, PUBLICATION, EFFECTIVE DATE

SECTION 4. HEADINGS.

The headings of the articles, sections, paragraphs and subparagraphs of this Ordinance are inserted solely for the convenience of reference and form no substantive part of this Ordinance nor should they be used in any interpretation or construction of any substantive provision of this Ordinance.

SECTION 5. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable and should any provision of this Ordinance be determined to be in conflict with any law, statute or regulation by a court of competent jurisdiction, said provision shall be excluded and deemed inoperative, unenforceable and as though not provided for herein and all other provisions shall remain unaffected, unimpaired, valid and in full force and effect.

SECTION 6. SUPERSEDER.

All code provisions, ordinances, resolutions, rules and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, hereby superseded.

SECTION 7. PUBLICATION.

A full, true and complete copy of this Ordinance shall be published in pamphlet form or in a newspaper published and of general circulation within the Village as provided by the Illinois Municipal Code, as amended.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall be in full force and effect immediately, following its passage, approval and publication, as provided by law.

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PASSED this 16th day of July, 2019.

AYES: Trustees Hrejsa, Kapolnek, Milenkovic, Torres and White

NAYS: None

ABSENT: Trustee Savopoulos

ABSTENTION: None

APPROVED by me this 16th day of July, 2019.

Jeff Walik, President

ATTESTED AND FILED in my
office this 17th day of July, 2019.

Audrey McAdams, Village Clerk