

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 23A ("TAXES") OF THE OAK PARK VILLAGE CODE BY ADDING A NEW ARTICLE 11 ("GROCERY TAXES")

WHEREAS, the Village of Oak Park ("**Village**") as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

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

WHEREAS, the Act further provides that the Municipal Grocery Retailer Tax may be imposed "at the rate of 1% of the gross receipts from these sales"; and

WHEREAS, the Act requires municipalities imposing a Municipal Grocery Retailer Tax 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" ("**Municipal Grocery Service Tax**"); and

WHEREAS, any Municipal Grocery Retailer Tax and Municipal Grocery Service Tax must be administered, collected, and enforced by the Illinois Department of Revenue ("**IDOR**"); and

WHEREAS, Chapter 23A ("Taxes") of the Oak Park Village Code as amended ("**Village Code**"), imposes certain taxes within the Village; and

WHEREAS, the Village Board desires to amend the Village Code to impose the Municipal Grocery Retailer Tax and the Municipal Grocery Service Tax pursuant to the Act; and

WHEREAS, the Village Board has determined that it will serve and be in the best interests of the Village and its residents to amend Chapter 23A of the Village Code and levy a Municipal Grocery Retailer Tax and Municipal Grocery Service Tax pursuant to and as permitted by the Act;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 23A ("Taxes") of the Oak Park Village Code is amended by adding a new Article 11 ("Grocery Taxes") to read as follows:

**ARTICLE 11
GROCERY TAX**

23A-11-1: DEFINITION:

23A-11-2: GROCERY TAX IMPOSED:

23A-11-3: COLLECTION OF TAX:

23A-11-1: DEFINITION:

Whenever used in this Article, the term "groceries" has the meaning ascribed to it in the Municipal Grocery Occupation Tax Law, 65 ILCS 5/8-11-24 *et seq.* All other terms used herein, unless otherwise defined, have the meaning ascribed to them in the Illinois Retailers' Occupation Tax Act, 35 ILCS 120/1 *et seq.*, as amended.

23A-11-2: GROCERY TAX IMPOSED:

A. Municipal Grocery Retailers' Occupation Tax. There is hereby imposed a tax upon all persons engaged in the business of selling groceries at retail in the Village at a rate of 1% of the gross receipts from those sales made in the course of that business on and after January 1, 2026. 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).

B. Municipal Grocery Service Occupation Tax. There is hereby imposed a tax upon all persons engaged in the business of making sales of service in the Village, 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 1% of the gross receipts from those sales made by the business owner in the course of that business on and after January 1, 2026. 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).

23A-11-3: COLLECTION OF TAX BY THE ILLINOIS DEPARTMENT OF REVENUE:

The taxes imposed by this Article, and all civil penalties that may be assessed as an incident of the tax shall be collected and enforced by the Department of Revenue of the State of Illinois in accordance with the provisions of Section 8-11-24 of the Illinois Municipal Code, 65 ILCS 5/8-11-24, as amended. The Department of Revenue of the State of Illinois shall have full power to administer and enforce the provisions of this Article.

Section 3. Village Clerk to File Ordinance With IDOR. As required under Section 8-11-24 of the Illinois Municipal Code (65 ILCS 5/8-11-24), the Village Clerk is hereby directed to file a certified copy of this Ordinance with the IDOR on or before October 1, 2025.

Section 4. Severability. If any paragraph section, clause, or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

Section 5. Effective Date. This Ordinance will be in full force and effect from and after its passage, approval, and publication as provided by law. The taxes imposed pursuant to this Ordinance will take effect on January 1, 2026.

ADOPTED this ___ day of ____, 2025, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Eder				
Trustee Enyia				
Trustee Leving Jacobson				
Trustee Straw				
Trustee Taglia				
Trustee Wesley				

APPROVED this ____ day of ____, 2025.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this ____ day of ____, 2025.

Christina M. Waters, Village Clerk