

COOK COUNTY ALCOHOLIC BEVERAGE ORDINANCE

Section 1. Tax Imposed

A tax is hereby imposed on the retail sale in Cook County of all alcoholic beverages. Such tax is to be paid by the purchaser and nothing in this Ordinance shall be construed to impose a tax upon the occupation of retail or wholesale alcoholic beverage dealers. This tax shall be levied according to the following schedule:

- (a) Alcoholic beverages other than beer, containing 14% or less alcohol by volume, a tax at the rate of sixteen cents (\$.16) per gallon or the pro rata portion thereof.
- (b) Alcoholic beverages containing more than 14% and less than 20% alcohol by volume, a tax at the rate of thirty cents (\$.30) per gallon or the pro rata portion thereof.
- (c) Alcoholic beverages containing 20% or more alcohol by volume, a tax at the rate of two dollars \$2.00 per gallon or the pro rata portion thereof.
- (d) Beer, a tax at the rate of six cents (\$.06) per gallon or the pro rata portion thereof.

The ultimate incidence of and liability for payment of the tax herein levied is to be borne by the consumer of said alcoholic beverages.

It shall be deemed a violation of this Ordinance for a retail alcoholic beverage dealer to fail to include the tax imposed herein in the sale price of the alcoholic beverage or to otherwise absorb such tax. The tax herein levied shall be in addition to any and all other taxes.

Except as provisions are made in this Ordinance for the collection of the tax herein levied upon the sale of alcoholic beverages in the possession of retail dealers of alcoholic beverages on the effective date of this Ordinance, the tax herein levied shall be collected by each wholesale dealer of alcoholic beverages who sells alcoholic beverages to a retail dealer of alcoholic beverages doing business in Cook County.

Any wholesale alcoholic beverage dealer who shall pay the tax levied by this Ordinance to the Department shall collect the tax from any retail alcoholic beverage dealer to a retail alcoholic beverage dealer shall in turn then collect the tax from the purchaser of said alcoholic beverages. The tax shall be paid to the person required to collect it as trustee for an on account of the County of Cook.

Section 2. Dealer Registration

A person becoming a wholesale alcoholic beverage dealer after adoption of this Ordinance shall register with the Department within twenty (20) days after the commencement of business. Wholesale alcoholic beverage dealers shall file each month with the Department a report of sales of alcoholic beverages in such form as prescribed and furnished by the Department. Such report of sales must be mailed in sufficient time to be postmarked on or before the fifteenth (15) day from the last day of the month for which the return is due. Each report of sales of alcoholic beverages shall be accompanied by a remittance of the appropriate amount of tax applicable to the sales reported. The remittance shall be made payable to the Cook County Collector.

Section 3. Rule Making

The Department shall prescribe reasonable rules, definitions, and regulations to carry out the duties imposed upon it by this Ordinance. Such rules, definitions, and regulations shall include, but not be limited to, reasonable procedures consistent with existing practices in the wholesale and retail liquor industry, for collection and remittance of the tax herein levied upon the consumer of alcoholic beverages.

The Department may appoint wholesale dealers of alcoholic beverages and any other person within or without the County of Cook as agents for the tax herein levied. The Department is hereby authorized to grant a commission not exceeding one-half of one percent (0.5%) of the tax due to the County of Cook to such agent for services rendered in connection with the tax herein levied provided said tax is remitted, in full, by the due date.

If any business selling liquor at the retail level shall receive liquor upon which no tax has been collected by the distributor or supplier, then the retail operator shall collect such tax and remit it directly to the Department within thirty (30) days of receipt of such liquor.

Section 4. (Repealed)

Section 4.1 Seizure and Sale

Whenever any duly authorized representative of the Department discovers any alcoholic beverages subject to the tax herein levied and upon which the tax has not been paid in accordance with provisions of this Ordinance, such representative is hereby authorized and empowered forthwith to seize and take possession of such alcoholic beverages which shall be deemed to be forfeited to Cook County. The Director of the Department may within a reasonable time thereafter, by a public notice given at least five (5) days before the day of sale, sell such forfeited alcoholic beverages at a public sale and pay the proceeds into

the Treasury of the County of Cook. In the alternative, the Director of the Department on reasonable notice, may permit the person from whom said alcoholic beverages were seized to redeem same by payment of the tax due together with a penalty of fifty percent (50%), thereof, and the cost incurred in such proceedings, provided, however, that such seizure and sale or redemption shall not be deemed to relieve any person from fine or imprisonment provided herein for violation of any provision of this Ordinance.

Section 5. Penalties

Any violation of this Ordinance shall be punishable by a fine of not less than \$100.00 and not more than \$1,000.00 or imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. It shall be deemed a violation of this Ordinance for any person knowingly to furnish false or inaccurate information as required herein. Criminal prosecution pursuant to this Ordinance shall in no way bar the right of Cook County to institute civil proceedings to recover delinquent taxes, interests and penalty due and owing as well as costs incurred for such proceeding. Civil penalties assessed pursuant to this Ordinance shall not exceed \$500.00 for each offense.

For the purpose of this Ordinance, interest shall be computed at the rate provided in the Cook County Uniform Penalty, Interest and Procedures Ordinance. The tax herein required to be collected by any wholesale or retail dealer pursuant to this Ordinance shall constitute a debt owed by such dealer to Cook County.

Section 6.

The tax imposed by this Ordinance is in addition to all other taxes imposed by the Government of the United States, the State of Illinois, or by any unit of local government.

Section 7.

The tax imposed by this Ordinance shall not apply to sales of alcoholic beverages wherein the purchaser is a passenger on an inter-state carrier nor shall this tax apply to the extent it would violate the United States' Constitution or the Constitution of the State of Illinois. Further, the tax herein levied shall not apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased legally under the laws of Illinois and the United States; but no exemption from this tax is permitted with respect to wine sold to private persons for such purposes.

Section 8. Short Title - Definitions

This Ordinance may be cited as the Cook County Retail Sale of Alcoholic Beverages Tax Ordinance.

DEFINITIONS: For the purpose of this Ordinance, whenever any of the following words, terms or definitions are used herein, they shall have a meaning ascribed to them in this Section:

(a) **ALCOHOLIC BEVERAGE:** "Alcoholic Beverage" includes alcohol spirits, wine and beer and any liquid or solid, patented or not, containing alcohol, spirits, wine, or beer, and capable of being consumed as a beverage by a human being. The provisions of this Ordinance shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent or less of alcohol by volume.

(b) **PERSON:** Means any natural person, trust, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, district or other political subdivision, contractor, supplier, vendor, vendee, operator, user or owner or any officers, agents, employees, or other representatives acting either for himself or for any other person in any capacity or any other entity recognized by law as the subject of rights and duties; the masculine, feminine, singular or plural, is included in any circumstances.

(c) **RETAIL ALCOHOLIC BEVERAGE DEALER:** Any person who engages in the business of selling alcoholic beverages in the County of Cook to a purchaser for use or consumption, and not for resale in any form.

(d) **WHOLESALE ALCOHOLIC BEVERAGE DEALER:** Any person who engages in the business of selling or supplying alcoholic beverages to any person for resale in the County of Cook.

(e) **SALE, RESALE, SELLING:** Any transfer of ownership or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever for a valuable consideration.

(f) **DEPARTMENT:** Department of Revenue in the Bureau of Finance of Cook County.

(g) **COUNTY BOARD:** Board of Commissioners of Cook County.

(h) **ALCOHOL:** "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol.

(i) **SPIRITS:** "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substances in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when

rectified, blended or otherwise mixed with alcohol or other substances.

(j) **WINE:** "Wine" means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such beverages when fortified by the addition of alcohol or spirits, as above defined.

(k) **BEER:** "Beer" means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like.

Section 9.

If any one or more of the provisions of this Ordinance is declared unconstitutional or the application, thereof, is held invalid the validity of the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be affected thereby.

Section 10.

This Ordinance shall take effect and be in force on July 1, 1975.
