



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 021-023
DATE OF PASSAGE May 11, 2021

An Ordinance amending Chapter 13 of the Code of Ordinances pertaining to Cigarette, Tobacco, Alternative Nicotine Product or Vapor Products Dealer's Licenses issued on or after May 15, 2021.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, in the exercise of such powers, Chapter 13 of the Code of Ordinances, City of Aurora, Illinois ("Code of Ordinances") provides for the licensure of persons engaged in the retail sale of tobacco products, alternative nicotine product, vapor products or electronic smoking devices in any form in the city without a tobacco, alternative nicotine product or vapor product; and

WHEREAS, the City Council finds that the public health, safety, and welfare of the community may require additional regulation on the sale of alternative tobacco products, alternative nicotine products, and vapor products within the City; and

WHEREAS, to provide for an orderly process of establishing such regulation, the City Council finds that it is necessary to temporarily prohibit the sale of alternative tobacco products, alternative nicotine products and vapor products by new licensees under Chapter 13 of the Code of Ordinances;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows: that Chapter 13 of the Code of Ordinances shall be and hereby is amended as set forth in Exhibit A; and further

BE IT ORDAINED, that the City Council finds that the protection of the public health requires that said Ordinance shall become immediately effective upon its adoption by a vote of two-thirds of the City Council; and further

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BE IT ORDAINED, that nothing in this Ordinance shall be construed on imposing additional limitations or obligations on the privileges granted to holders of Cigarette, Tobacco, Alternative Nicotine Product or Vapor Products Dealer's Licenses issued prior to May 15, 2021, nor limiting their ability to renew such licenses consistent with the privileges thereby originally conferred.

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PASSED AND APPROVED ON May 11, 2021

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Alderman Hart-Burns, Ward 7	yes
Alderman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderman Lofchie, Ward 10	yes
Alderman Jenkins, At Large	yes
Alderman O'Connor, At Large	yes

ATTEST:


City Clerk


Mayor

1 Sec 13-9.1 - Licenses Issued on or After May 15, 2021; Endorsement
2 Required

3 (a) Notwithstanding any provision of Sec. 13-9 to the
4 contrary, no license first issued under this chapter on or after
5 May 15, 2021, shall afford the holder the privilege of selling an
6 alternative nicotine product, alternative tobacco product, or
7 vapor product without the holder having first obtained an
8 endorsement separately issued by the city treasurer in accordance
9 with this section.

10 (b) Prior to issuing an endorsement under paragraph (a), the
11 city treasurer shall verify that the applicant and the
12 premises for which the endorsement is sought comply with all
13 of the requirements this chapter.

14 (c) Except as provided in paragraph (e), the city treasurer
15 shall promptly issue an endorsement under paragraph (b) when
16 it appears to him that the applicant and the premises for
17 which the endorsement sought fully complies with the
18 requirements of this chapter. Any endorsement issued under
19 this section is subject to the requirements of this chapter
20 and shall void ab initio upon a determination by the city
21 treasurer that the issuance of the endorsement was contrary
22 to any provision thereof.

1 (d) This section shall not apply to any license issued under
2 this chapter prior to May 15, 2021 nor to the subsequent
3 renewal of any such license.

4 (e) The city treasurer shall not issue an endorsement under
5 this section to any applicant who first submits a complete
6 application for a license under this chapter on or after May
7 15, 2021 until November 15, 2021.

8 (f) Notwithstanding the provisions of paragraph (e), the
9 city treasurer may immediately issue an endorsement under
10 this section to the holder of a license issued on or after
11 May 15, 2021, when the issuance of the license was required
12 by the sale, transfer, or assignment of fifty (50) percent or
13 more of the ownership of a business, or the death of a
14 shareholder, member and/or partner with fifty (50) percent or
15 more interest in a business holding a license issued prior to
16 May 15, 2021, and the new license was issued for the same
17 business location.