



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 021-032
DATE OF PASSAGE June 22, 2021

An Ordinance Amending Sec. 13-14 of Chapter 13 Code of Ordinances, City of Aurora entitled Tobacco, Alternative Nicotine Product or Vapor Product Use, Prohibitions and Compliance Monitoring.

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 furtherance of its home rule powers, it is necessary and desirable for the City of Aurora to amend its ordinances regarding Tobacco, Alternative Nicotine Product or Vapor Product Use, Prohibitions and Compliance Monitoring.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 13 of the Code of Ordinances shall be and hereby is amended as set forth in Exhibit A.

Section Two: That this ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all ordinances or parts of ordinances thereof in conflict herewith are hereby repealed to the extent of any such conflict.

Section Four: That any section or provision of this ordinance that is construed to be invalid or void shall not affect the remaining sections or provisions which shall remain in full force and effect thereafter.

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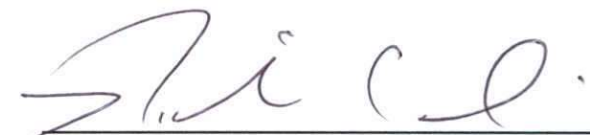
PASSED AND APPROVED ON June 22, 2021

AYES 12 NAYS 0 NOT VOTING 0 ABSENT 0

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

ATTEST:


City Clerk


Mayor

1 Sec. 13-14. - Proximity to certain institutions.

2 (a) It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco, alternative
3 nicotine product, vapor products or electronic smoking devices within two hundred fifty (250) feet
4 of any school, child care facility or other building used exclusively for education or recreational
5 programs for persons under the age of twenty-one (21) years as measured from building line to
6 building line.

7 (b) The city treasurer, pursuant to sec. 13-9, may grant a reduction of the distance requirement in
8 this subsection (a), based on a finding from an administrative hearing officer that such a
9 reduction would not detrimentally affect the school, child care facility or other building used
10 exclusively for education or recreational programs for persons under the age of twenty-one (21)
11 years of age within two hundred fifty (250) feet of the premise proposed to be licensed. If a
12 reduction is granted, applicants must still comply with all other application requirements
13 associated with the issuance of a cigarette, tobacco, alternative nicotine product or vapor
14 products dealer's license.

15 (c) The hearing officer shall consider the following factors in reviewing a reduction in the distance
16 requirement:

- 17 1. The type of activity to be conducted at the premises proposed to be licensed and the
18 days and times during which such activity will take place;
- 19 2. The size of the applicant's business and the affected establishment;
- 20 3. The availability of adequate parking for patrons of both the applicant's business and the
21 affected establishment;
- 22 4. Reports from the police regarding the location, as well as the history of activity
23 conducted at or in conjunction with the premises and any associated infractions or
24 violations of state law or local ordinances;
- 25 5. The relevant geography and location of the applicant's business;
- 26 6. The legal nature and history of the applicant; and

1 7. The measures the applicant proposes to implement to maintain quiet and security in
2 conjunction with the establishment.

3 (d) An applicant seeking a distance requirement reduction shall make a written submission to the
4 city clerk for review by an administrative hearing officer. Upon receiving a completed application,
5 the city clerk shall notify the alderman's office. The application shall present all factors the
6 applicant believes to be relevant to whether a reduction is appropriate. Aldermen and/or
7 representatives of the city will also have an opportunity to submit information they believe to be
8 relevant to the hearing officer's recommendation. The request for reduction shall be
9 accompanied by an additional fee of up to one thousand dollars (\$1,000.00) to defer the costs of
10 the administrative hearing officer. The hearing officer shall review the information provided and
11 shall incorporate it into the hearing officer's decision for the mayor's review and approval.

12 (e) If the city treasurer grants a license with a distance reduction, the factors that were deemed
13 relevant to the hearing officer's finding may be included in a plan of conduct. Any such plan of
14 conduct shall be deemed a part of the license, and compliance with the plan of conduct shall be
15 a necessary condition to the continued validity of the license. Failure to comply with one (1) or
16 more elements of the plan of conduct shall subject the licensee to suspension or revocation of
17 the license.