



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-083  
DATE OF PASSAGE November 28, 2023

An Ordinance amending Chapter 13 of the Code of Ordinances pertaining to the licensure of retailers authorized to sell all tobacco, nicotine, alternative nicotine products or vape products.

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, there are reports of numerous sales of products containing THC in licensed tobacco and vape establishments within the City of Aurora that are not regulated or approved by any federal or state governmental body for safe use; and

WHEREAS, while the State of Illinois has established standards and regulations for most products which contain cannabis sativa derivatives, certain products which contain certain quantities of THC can be sold in non-state regulated facilities and

WHEREAS, it would be in the best interest of public health, safety and welfare of the City of Aurora residents to prohibit the sale of THC or any synthetic cannabinoid products in licensed tobacco licensed establishments; and

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

Section One: That Section 13-1 and 13-9 of Chapter 13 of the Code of Ordinance shall be and hereby are amended as set forth in Exhibit A.

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

Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar any conflict exists.

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Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk shall cause this Ordinance to be published in pamphlet form upon its passage.

ORDINANCE NO. 023-083

LEGISTAR NO. 23-0710

PASSED AND APPROVED ON November 28, 2023

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  |
| Alderman Tolliver, Ward 7  | yes  |
| Alderwoman Smith, Ward 8   | yes  |
| Alderman Bugg, Ward 9      | yes  |
| Alderwoman Baid, Ward 10   | yes  |
| Alderman Laesch, At Large  | yes  |
| Alderman Woerman, At Large | yes  |

ATTEST:

  
City Clerk

  
Mayor

## 1 Sec 13-1 Definitions

2 For the purposes of this chapter, the following words and phrases  
3 shall have the meanings respectively ascribed to them:

4  
5 Alternative nicotine product or alternative tobacco product or  
6 vapor product: Any product, other than a cigarette, which may or  
7 may not contain tobacco and/or nicotine, intended for ingestion  
8 into the body and designed, packaged, marketed, or displayed for  
9 smoking, absorbing, dissolving, inhaling, sniffing, snorting,  
10 placed in oral or nasal cavities, or applied to skin, with the use  
11 of any electronic smoking device, including but not limited to,  
12 flavored or unflavored e-juice, e-liquid, e-nicotine, vaping juice,  
13 liquid nicotine, smoke juice, pipe tobacco, rolling tobacco,  
14 hookah tobacco, snuff, dabs, oils, pastes, waxes, chewing tobacco,  
15 dipping tobacco, snus, nicotine gel, nicotine lollipops, propylene  
16 glycol, vegetable glycerin or any other such preparation of tobacco;  
17 and any product or formulation of matter containing biologically  
18 active amounts of nicotine that is manufactured, sold, offered for  
19 sale or otherwise distributed. "Alternative nicotine product"  
20 excludes cigarettes, smokeless tobacco, or other tobacco products  
21 as these terms are defined in Section 1 of the Illinois Prevention  
22 of Tobacco Use by Minors and Sale and Distribution of Tobacco  
23 Products Act, 720 ILCS 675/1, et seq., and any product approved by  
24 the United States Food and Drug Administration as a non-tobacco



1 product for sale as a tobacco cessation product, as a tobacco  
2 dependence product, or for other medical purposes, and is being  
3 marketed and sold solely for that approved purpose.

4  
5 Endorsement: A provision added to a tobacco license altering its  
6 scope or application. Any endorsement shall be subject to  
7 conditions as the city treasurer shall deem appropriate.  
8 Endorsements to a tobacco license include the ability to sell  
9 alternative nicotine product, alternative tobacco product or vapor  
10 products.

11  
12 Electronic smoking device: Any electronic and/or battery-operated  
13 device, the use of which may resemble smoking that can be used to  
14 deliver a dose of an alternative nicotine product or vapor product.  
15 "Electronic smoking device" includes, but is not limited to, any  
16 such electronic smoking device, whether manufactured, distributed,  
17 marketed, or sold as an electronic cigarette, electronic cigar,  
18 electronic cigarillo, electronic pipe, hookah pipe, product  
19 vaporizer, atomizer, tobacco and/or nicotine delivery system, or  
20 any other such device or delivery system, regardless of the details  
21 of the product appearance or marketed name. The term does not  
22 include any product specifically approved by the United States  
23 Food & Drug Administration for use in the mitigation, treatment,  
24 or prevention of disease.

1 Synthetic cannabinoid as defined in Chapter 29 of the Code of  
2 Ordinances.

3 Tetrahydrocannabinols (THC) means those substances contained in a  
4 plant of the genus of Cannabis (cannabis plant), as well as  
5 synthetic substances, derivatives, and their isomers with similar  
6 chemical structure and pharmacological activity to those  
7 substances contained in the plant.

8 Tetrahydrocannabinol products means a product which contains THC  
9 including but not limited to such products as delta 8, THCA,  
10 THC-O vapes and food products such as gummies, bars, ice cream.

11 Tobacco products means any substance containing tobacco leaf,  
12 including but not limited to, cigarettes, cigars, pipe tobacco,  
13 snuff, chewing tobacco or dipping tobacco, as well as cigarette  
14 papers or wrappers.

15  
16 Vape shop means any premise whose primary purpose is to display,  
17 sell, distribute, offer, or market electronic smoking devices,  
18 equipment or components, liquid nicotine, liquid nicotine  
19 containers or vapor as their primary source of revenue. Primary  
20 purpose means that fifty (50%) percent or more of the revenues of  
21 the establishment are from the sale of electronic smoking devices,  
22 equipment or components, liquid nicotine, liquid nicotine  
23 containers or vapor products.

1 Vape shop endorsement means an endorsement to a tobacco license to  
2 sell, distribute or market alternative tobacco product, vapor  
3 product or alternative nicotine product.

4  
5 Vending machine means any mechanical, electric or electronic,  
6 self-service device which, upon insertion of money, tokens or any  
7 other form of payment, dispenses tobacco products.

8  
9 **Sec 13-9 Licenses and Endorsements**

10 (a) No person shall sell tobacco products, alternative nicotine  
11 product, vapor products or electronic smoking devices in any form  
12 in the city without a tobacco license, and a vape shop endorsement  
13 issued by the city treasurer.

14 (b) Any person desiring such a license and endorsement shall first  
15 make written application for that purpose to the city treasurer in  
16 which shall be set forth the full name of the applicant and the  
17 locations at which such sales are proposed to be made as well as  
18 such other information as may be necessary for the city to conduct  
19 an appropriate background check. However, no such background check  
20 shall be required if the applicant is concurrently the holder of  
21 a valid city liquor license. If the city treasurer is satisfied  
22 upon the conclusion of such background check that the applicant is  
23 of good character and reputation and is a suitable person to be  
24 entrusted with the sale of tobacco products, he shall cause a



1 license to be issued to such applicant upon payment to the city of  
2 the annual license fee specified in section 13-2.

3 (c) A tobacco license authorizes the person therein named to  
4 expose for sale, sell or offer for sale tobacco at the place  
5 designated therein. A tobacco licensee may also apply for an  
6 endorsement to sell alternative nicotine product, vapor products  
7 or electronic smoking devices only at the place designated therein.

8 (d) No license required by this chapter shall be issued or renewed  
9 to the following:

10 (1) A person who is indebted to the city or other governmental  
11 entity for payment of any fees, charges, bills or taxes which he  
12 is obligated to pay but have remained unpaid for more than forty-  
13 five (45) days.

14 (2) A person who has been convicted of a felony under any federal  
15 or state law.

16 (3) A person who has been convicted of a violation of any federal,  
17 state or city law concerning the possession or sale of tobacco,  
18 alternative nicotine product or vapor products or has forfeited  
19 his bond to appear in court to answer to any charges for any  
20 violation.

21 (4) A person who within one (1) year of application for a tobacco,  
22 alternative nicotine product or vapor product dealer's license has  
23 been convicted of, plead guilty to, or been placed on supervision  
24 for any tobacco, alternative nicotine product or vapor product



1 related offense shall be considered not of good character and  
2 reputation.

3 (5) A person whose place of business is conducted by a manager or  
4 agent unless such manager or agent possesses the same  
5 qualifications required of the licensee, including a background  
6 check for both licensee and manager or agent.

7 (6) A person who does not own the premises for which a license is  
8 sought, or does not have a lease thereon for the full period for  
9 which the license is issued.

10 (e) The city treasurer, upon a finding that an applicant for a  
11 license is prohibited from obtaining a tobacco license based on  
12 criteria identified in Sec 13-9(d) herein shall consider any  
13 evidence of rehabilitation and mitigating factors contained in the  
14 applicant's record. Upon consideration of evidence of  
15 rehabilitation and mitigating factors provided by the applicant,  
16 and if all other requirements for a tobacco license or endorsement  
17 have been satisfied, the city treasurer shall issue a license to  
18 an applicant that the city treasurer has determined to be  
19 sufficiently rehabilitated to warrant the public trust.

20 (f) If the city treasurer refuses to issue a license to an  
21 applicant, the applicant shall be notified of the denial in writing  
22 with the following included in the notice of denial:

23 (1) A statement about the decision to refuse to issue a license;

1 (2) A list of the convictions that the city treasurer determined  
2 will impair the applicant's ability to engage in the position for  
3 which a license is sought;

4 (3) A list of convictions that formed the sole or partial basis  
5 for the refusal to issue a license; and

6 (4) The applicant's right to appeal the denial per Sec. 3-107 of  
7 the code of ordinances.

8 (g) A tobacco license and any applicable endorsements, granted  
9 herein, is nontransferable and is valid only for the person(s) or  
10 business entity and location specified in the license application.

11 (1) If licensee changes business location, licensee must obtain  
12 a new license and any applicable endorsements prior to engaging in  
13 the sale and distribution of tobacco, alternative nicotine product,  
14 vapor products or electronic smoking devices at the new location.

15 (2) Any sale, transfer, or assignment of fifty (50) percent or  
16 more of the ownership of a business, or the death of a shareholder,  
17 member and/or partner with fifty (50) percent or more interest, in  
18 a business shall terminate the license. The new owner shall be  
19 required to obtain a new license and any applicable endorsements  
20 prior to engaging in the sale and distribution of tobacco,  
21 alternative nicotine product, vapor products or electronic smoking  
22 devices. For purposes of this section, whether the sale, transfer  
23 or assignment of fifty (50) percent or more of a business interest

occurs in one (1) or more transactions is not relevant to the termination of the license.

(3) Effective March 8, 2022, no new vape shop endorsements may be issued to any establishment that is less than two thousand six hundred forty (2,640) feet from another licensed vape shop establishment, measured from property line to property line where there is an existing licensed vape shop in the same single shopping center, plaza or strip mall, without the applicant obtaining approval by the city treasurer or designee for the issuance of said endorsement as set forth herein. Current vape shop establishments located within two thousand six hundred forty (2,640) feet or within the same single shopping center, plaza or strip mall with a vape shop endorsement in effect at the time of adoption of this section shall be renewed yearly so long as the license is issued to the current owners. Any sale, transfer, or assignment of more than fifty (50%) percent of ownership of a business or partnership shall terminate said license. In the event that such license is held in the name of a corporation, the sale, transfer or assignment of fifty (50%) percent of the stock shall terminate the license.

(h) It shall be unlawful for any licensee or any employee or agent of any such licensee to sell, deliver, or distribute any product which contains Tetrahyrdocannabinol (THC) or any synthetic cannabinoid.