



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-086
DATE OF PASSAGE December 5, 2023

An Ordinance Amending Chapter 13, Article II of the Code of Ordinances Pertaining to Tobacco.

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, Chapter 13 of the Code of Ordinances has been reviewed by City staff who identified this necessary update to be consistent with other similar provisions of the Code of Ordinances; and

WHEREAS, Chapter 13 of the Code of Ordinances provides no direction for an administrative process for the appeal of a denial of a tobacco license based upon the negative criminal history of the applicant; and

WHEREAS, the City Council deems it advisable to amend the provisions of Chapter 13 regarding the denial of tobacco licenses based upon the negative criminal history of the applicant.

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

BE IT ORDAINED, that the Corporation Counsel and City Clerk shall be and hereby are authorized and directed to correct any scrivener's or other non-substantive errors in Exhibit A upon codification.

ORDINANCE NO. 023-086

LEGISTAR NO. 23-0577

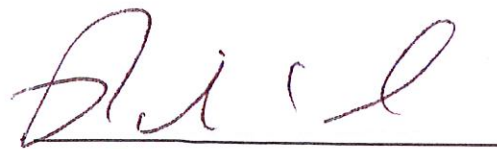
PASSED AND APPROVED ON December 5, 2023

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 13-9 Licenses And Endorsements**

- 2 (a) No person shall sell tobacco products, alternative nicotine product, vapor products or electronic
3 smoking devices in any form in the city without a tobacco license, and a vape shop endorsement
4 issued by the city treasurer.
- 5 (b) Any person desiring such a license and endorsement shall first make written application for that
6 purpose to the city treasurer in which shall be set forth the full name of the applicant and the
7 locations at which such sales are proposed to be made as well as such other information as may
8 be necessary for the city to conduct an appropriate background check. However, no such
9 background check shall be required if the applicant is concurrently the holder of a valid city liquor
10 license. If the city treasurer is satisfied upon the conclusion of such background check that the
11 applicant is of good character and reputation and is a suitable person to be entrusted with the
12 sale of tobacco products, he shall cause a license to be issued to such applicant upon payment to
13 the city of the annual license fee specified in section 13-2.
- 14 (c) A tobacco license authorizes the person therein named to expose for sale, sell or offer for sale
15 tobacco at the place designated therein. A tobacco licensee may also apply for an endorsement
16 to sell alternative nicotine product, vapor products or electronic smoking devices only at the place
17 designated therein.
- 18 (d) No license required by this chapter shall be issued or renewed to the following:
- 19 (1) A person who is indebted to the city or other governmental entity for payment of any
20 fees, charges, bills or taxes which he is obligated to pay but have remained unpaid for
21 more than forty-five (45) days.
- 22 (2) A person who has been convicted of a felony under any federal or state law.
- 23 (3) A person who has been convicted of a violation of any federal, state or city law concerning
24 the possession or sale of tobacco, alternative nicotine product or vapor products or has
25 forfeited his bond to appear in court to answer to any charges for any violation.
- 26 (4) A person who within one (1) year of application for a tobacco, alternative nicotine product
27 or vapor product dealer's license has been convicted of, plead guilty to, or been placed
28 on supervision for any tobacco, alternative nicotine product or vapor product related
29 offense shall be considered not of good character and reputation.
- 30 (5) A person whose place of business is conducted by a manager or agent unless such
31 manager or agent possesses the same qualifications required of the licensee, including a
32 background check for both licensee and manager or agent.
- 33 (6) A person who does not own the premises for which a license is sought, or does not have
34 a lease thereon for the full period for which the license is issued.
- 35 (e) The city treasurer, upon a finding that an applicant for a license is prohibited from obtaining a
36 tobacco license based on criteria identified in Sec 13-9(d) herein shall consider any evidence of
37 rehabilitation and mitigating factors contained in the applicant's record. Upon consideration of
38 evidence of rehabilitation and mitigating factors provided by the applicant, and if all other
39 requirements for a tobacco license or endorsement have been satisfied, the city treasurer shall
40 issue a license to an applicant that the city treasurer has determined to be sufficiently
41 rehabilitated to warrant the public trust.
- 42 (f) If the city treasurer refuses to issue a license to an applicant, the applicant shall be notified of the
43 denial in writing with the following included in the notice of denial:
- 44 (1) A statement about the decision to refuse to issue a license;
- 45 (2) A list of the convictions that the city treasurer determined will impair the applicant's
46 ability to engage in the position for which a license is sought;

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

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

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

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

10 (2) Any sale, transfer, or assignment of fifty (50) percent or more of the ownership of a
11 business, or the death of a shareholder, member and/or partner with fifty (50) percent or
12 more interest, in a business shall terminate the license. The new owner shall be required
13 to obtain a new license and any applicable endorsements prior to engaging in the sale
14 and distribution of tobacco, alternative nicotine product, vapor products or electronic
15 smoking devices. For purposes of this section, whether the sale, transfer or assignment
16 of fifty (50) percent or more of a business interest occurs in one (1) or more transactions
17 is not relevant to the termination of the license.

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

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