



Legislation Text

File #: 23-0577, **Version:** 1

TO: Mayor Richard C. Irvin

FROM: Deb Lang, Assistant Corporation Counsel
Jennifer Stallings, City Clerk
Alex Voigt, Deputy Chief of Staff

DATE: November 14, 2023

SUBJECT:

Proposed Updates to Chapter 13, Article II of the Code of Ordinances Pertaining to Tobacco.

PURPOSE:

To provide applicants a mechanism for an administrative appeal of a tobacco license denial based upon the applicant's criminal history.

BACKGROUND:

The code of ordinances requires applicants to "pass" a background check prior to the issuance of a tobacco license. The city treasurer currently reviews the tobacco license applicant background checks to determine if the applicant is of good character and reputation and is a suitable person to be entrusted with the sale of tobacco products. There is currently no process for an applicant to appeal the decision of the city treasurer if the license is denied based on the criminal history of the applicant.

DISCUSSION:

The code of ordinances currently prohibits the city treasurer from issuing a tobacco license to the following: 1) a person who has been convicted of a felony; 2) a person who has been convicted of possession or sale of tobacco, alternative nicotine product or vapor products or has forfeited his bond to appear in court to answer to any charges for any violation; 3) a person who within one (1) year of application for a tobacco license has been convicted of, plead guilty to, or been placed on supervision for any tobacco, alternative nicotine product or vapor product related offense as they are by default considered not of good character and reputation. The proposed amendment provides a mechanism for those applicants with a prior criminal history that precludes them from receiving a tobacco license to appeal the denial of a tobacco license based on their criminal history.

IMPACT STATEMENT:

The proposed changes will make this section of the Code of Ordinances consistent with other sections of the Code of Ordinances that provide a mechanism for those to appeal a denial of a tobacco license based on a negative criminal history.

RECOMMENDATIONS:

Staff recommends that this ordinance be adopted.

cc: Rules, Administration & Procedures Committee



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

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 licensed 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.