



Legislation Text

File #: 21-0318, **Version:** 2

TO: The Honorable Mayor and City Council

FROM: The Law Department at the Request of Alderman Bugg

DATE: May 5, 2021

SUBJECT:

An ordinance imposing an additional requirement on new tobacco sale licensees in order to sell alternative nicotine products.

PURPOSE:

This ordinance will now require licensees that would like to sell alternative nicotine products, alternative tobacco products, or vapor products to obtain an endorsement to their license to sell these products.

BACKGROUND:

Chapter 13 provides for licensing for the sale of tobacco, cigarette, alternative nicotine products, alternative tobacco products and vapor products. In 2018, City Council amended the ordinance to add additional language to include alternative nicotine products, alternative tobacco products and vapor products as new items were being introduced in the market.

Recently, there has been a flurry of new tobacco licensees locating in the City, including in Ward 9, that have focused their business on the sales of alternative tobacco or nicotine products and vapor products. Recognizing that these products are more attractive to younger persons than more traditional tobacco products, further limitations on the privilege of selling in the City may be appropriate.

DISCUSSION:

At the request of Alderman Edward Bugg, the Law Department has developed the attached ordinance as one possible method of addressing the situation in the short-run.

Currently, the holder of a license issued under Chapter 13 of the Code of Ordinances may offer for sale a variety of tobacco products, including cigarettes, cigars, and alternative nicotine or vaping products.

This proposal limits the privileges automatically granted under a Chapter 13 license issued on or after May 15, 2021, to the retail sale of cigarettes, cigars, and more conventional tobacco products only. In order to sell alternative tobacco or nicotine products or vape products (as the terms are already defined in the Code), a license holder would also need to receive an endorsement on that license from the City Treasurer. This new requirement will not affect the holder of any existing license nor will it impact the ability of an existing license holder to renew its license with full rights.

At the same time, the ordinance also prohibits the City Treasurer from issuing these new endorsements for alternative tobacco or nicotine and vapor products until November 15, 2021 -- effectively creating a six-month moratorium to afford the City Council additional time to study the issue and consider other changes to its tobacco licensing process. During the moratorium, the City Treasurer will also be able to issue endorsements to new licenses issued as the result of the sale of an existing business holding a pre-May 15, 2021 license when the business continues to occupy the same location.

IMPACT STATEMENT:

The proposed ordinance does not impact existing tobacco licensees or any entity which completes its application on or before May 15, 2021. This will have the effect of preventing new entities from selling these alternative products until the Council completes its review of the situation or November 15, 2021, whichever occurs first.

RECOMMENDATIONS:

That the Council adopt this Ordinance.



CITY OF AURORA, ILLINOIS

ORDINANCE NO. _____
DATE OF PASSAGE _____

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

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.