



# Office of the City Clerk

City Hall  
121 N. LaSalle St.  
Room 107  
Chicago, IL 60602  
www.chicityclerk.com

## Legislation Text

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File #: O2022-1756, Version: 1

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Sections 4-64-518 and 4-64-519 regarding requirements for prohibiting issuance of additional retail tobacco dealer licenses

Committee on License and Consumer Protection

### ORDINANCE

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-64 of the Municipal Code of the City of Chicago is hereby amended by inserting new Sections 4-64-518 and 4-64-519 as follows:

#### **4-64-518 Ordinance prohibiting issuance of additional retail tobacco dealer licenses - Requirements - Procedure.**

- a) Notwithstanding any other provision of this chapter, the city council may from time to time prohibit the issuance of additional retail tobacco dealer licenses in a specified area of the city, subject only to the conditions and procedures described in this section.
- b) An ordinance to prohibit the issuance of additional retail tobacco dealer licenses in a specified area must:
- 1) identify the area by boundaries; and
  - 2) cover an area including no less than two contiguous city blocks; and
  - 3) contain a description of the conditions requiring the prohibition on the issuance of new licenses. For any such area established by ordinance, both sides of each street forming the boundary of the area will be considered as within the area unless otherwise specifically stated in the ordinance establishing the area; provided, however, that (a) if an area is described by boundaries, the boundaries shall be drawn down the center of boundary streets unless otherwise specified in the ordinance establishing the area; and (b) if a street that is a boundary of the area is also a boundary of wards of the city, the middle of that street will be the boundary of the area.
- c) No ordinance to prohibit the issuance of additional retail tobacco dealer licenses in a specified area may:
- 1) prohibit the issuance of a new license to allow continued operation of a licensed business within the specified area by a new licensee whose application is filed within six months after passage of the ordinance; provided, however, that no application for a successor license under this subsection shall be approved if the application review process is not completed within one year after filing the application, unless the delay in completing the process has been occasioned by the city;
  - 2) prohibit the issuance of additional licenses within the specified area to applicants whose applications were pending prior to the passage of the ordinance;

3) be considered to take effect within one year after the repeal of an ordinance prohibiting the issuance of additional licenses within any portion of the specified area;

4) prohibit the issuance of a license necessary to allow the relocation of a licensed business within the same specified area, or the change of officers of a corporate licensee, where the change in officers does not also involve transfer of more than five percent of the shares of the corporation;

d) After passage of an ordinance to prohibit the issuance of additional retail tobacco dealer licenses within a specified area, no ordinance may alter the area except by addition of territory or by deletion of all territory within the area. An ordinance that divides a specified area into two or more segments shall not be considered to alter that area for purposes of this subsection (d) if all of the following conditions are met: (1) the ordinance does not change the size or boundaries of the total area covered; (2) each portion of the area so divided complies with subsection (b) of this section; and (3) all portions of the area affected by the ordinance remain subject to all moratoria in effect at the time of passage of the ordinance for a minimum of one year following passage of the ordinance that divides the area.

e) Upon receiving an ordinance to prohibit the issuance of additional retail tobacco dealer licenses in a specified area, the city clerk shall send one copy of the ordinance to each of the following: the commissioner of business affairs and consumer protection, the corporation counsel and the alderman of each ward in which any portion of the specified area is located. The commissioner of business affairs and consumer protection shall prepare a list identifying all current retail tobacco dealer licenses issued for premises within the specified area to the sponsor of the ordinance, and all pending applications for retail tobacco dealer licenses within the specified area. The commissioner shall send a copy of the list to the city council committee having jurisdiction over the ordinance and to the corporation counsel. The sponsor of the ordinance shall notify each listed licensee and applicant of the introduction of the ordinance. Notices shall be sent by first class mail, postage paid, directed to the address of each licensee or applicant, as the case may be. Copies of all notices shall be filed with the department of business affairs and consumer protection.

f) No member of the city council or other municipal officer shall introduce, and no committee of the city council shall consider or recommend, any ordinance that is contrary in any way to any of the requirements of subsections (b) through (d). No member of the city council shall propose, and no committee of the city council shall consider, any amendment to an ordinance which, if passed, would render the ordinance contrary to any of the requirements of subsections (b) through (d). No officer or employee of the city shall enforce any ordinance that is contrary to any of the requirements of subsections (b) through (d). No member of the city council may recommend action on, and no committee of the city council shall consider, any ordinance to prohibit issuance of additional retail tobacco dealer licenses within a specified area until all required notices have been given.

#### **4-64-519 Restrictions on additional licenses.**

Subject to the provisions of subsection 4-64-518(c), no additional retail tobacco dealer licenses shall be issued within the following areas:

[Reserved]

CITY OF CHICAGO

OFFICE OF THE CITY CLERK ANNA M. VALENCIA

### Chicago City Council Co-Sponsor Form

Document No.

Subject:

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**Adding Co-Sponsor(s)**

*Please ADD Co-Sponsor(s) Shown Below-(Principal Sponsor's Consent Required)*

Alderman

(\_ JWard)

(Signature)

**Principal Sponsor:**

(Signature)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - (Principal Sponsor's Consent NOT Required)*

(I | Ward)

(Signature)

(I | Ward)

(Signature)

*Date Filed:*

Final Copies To Be Filed With: • Chairman of Committee to which legislation was referred  
• City Clerk

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CITY OF CHICAGO

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*Please ADD Co-Sponsor(s) Shown Below - (Principal Sponsor's Consent Required)*

**(ELDward)**

*(Signature)*

**Principal Sponsor:**

*(Signature)*

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - {Principal Sponsor's  
Consent NOT Required}*

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VALENCIA

## Chicago City Council Co-Sponsor Form

Document No.:

Ordinance prohibiting issuance of additional retail tobacco dealer licenses Requirements - Procedure.

### Adding Co-Sponsor(s)

*Please ADD Co-Sponsor(s) Shown Below - (Principal Sponsor's Consent Required)*

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(Signature)

(Signature)

Principal Sponsor: Anthony Napolitano

(Signature)

Ward) lward)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - {Principal Sponsor's  
Consent NOT Required)*

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### Chicago City Council Co-Sponsor Form

Ordinance amending Municipal code 4-64 by inserting new Sections 4-64-518 & 4-64-519. "Retail Tobacco Moratorium Ordinance"

### Adding Co-Sponsor(s)

*Please ADD Co-Sponsor(s) Shown Below-(Principal Sponsor's Consent Required)*

4, rman Byron Sigcho-Lopez  
Alderman

(Signature)

Alderman

(Signature)

**Date Filed:**

**Principal Sponsor:**

Ward) Ward)

(Signature)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - (Principal Sponsor's Consent NOT Required)*

Alderman

(Signature)

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