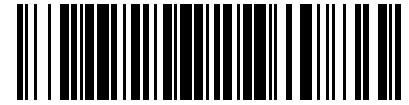




City of Chicago



O2020-3388

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 6/17/2020

Sponsor(s): O'Shea (19)
Sawyer (6)
Tabares (23)
Coleman (16)
La Spata (1)
Hopkins (2)
Harris (8)
Sadlowski Garza (10)
Curtis (18)
Rodriguez (22)
Sigcho-Lopez (25)
Reboyras (30)
Waguespack (32)
Vasquez, Jr. (40)
Smith (43)
Gardiner (45)
Cappleman (46)
Martin (47)
Osterman (48)
Hadden (49)
Silverstein (50)
Villegas (36)

Type: Ordinance

Title: Amendment of Municipal Code Chapters 4-64 and 17-17 to prohibit sale of flavored tobacco products or accessories

Committee(s) Assignment: Committee on Health and Human Relations

ORDINANCE

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

SECTION 1. Section 4-64-210 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-210 License application.

(Omitted text is unaffected by this ordinance)

Additional information – Required when. In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, a renewal of, a tobacco license under this Chapter shall be accompanied by the following information:

(7) an affirmative statement whether that the applicant or licensee, as applicable, ~~intends to~~ will not sell, give away, barter, exchange or otherwise deal in flavored tobacco products or accessories for flavored tobacco products;

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 4-64-230 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

4-64-230 License issuance and renewal – Prohibited when.

No tobacco license under this Chapter shall be issued to any person under the following circumstances:

(Omitted text is unaffected by this ordinance)

(3) if the applicant or licensee, as applicable, ~~(i) intends to sell, give away, barter, exchange or otherwise deal in flavored tobacco products or accessories for such products at the licensed location, and (ii) such location has a property line within 500 feet of the property line of any public, private or parochial secondary school located in the City of Chicago, as set forth in Section 4-64-515(b) or Section 4-64-615(b), as applicable. Provided, however, that this prohibition on license issuance shall not apply to: (1) retail tobacco stores, as set forth in Section 4-64-515(b) or Section 4-64-615(b), as applicable; or (2) renewals of licenses existing as of December 31, 2016, as set forth in Section 4-64-515(c)(1) or Section 4-64-615(c)(1), as applicable; or (3) applications for a new tobacco license to engage in the business of retail tobacco dealer pursuant to a purchase of a retail tobacco business at a location that holds such a license on or after December 31, 2016, as set forth in Section 4-64-515(c)(2) or Section 4-64-615(c)(2), as applicable;~~

(Omitted text is unaffected by this ordinance)

SECTION 3. Section 4-64-510 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-510 Additional prohibited acts – Retail tobacco dealers.

In addition to the applicable prohibited acts set forth in Chapter 4-4 of this Code and in Article III of this Chapter, it shall be unlawful for any licensee engaged in the business of retail tobacco dealer to:

(Omitted text is unaffected by this ordinance)

(5) Purchase cigarettes from any wholesale tobacco dealer within the City that is not properly licensed under this Chapter to engage in the business of wholesale tobacco dealer.

(6) Sell, give away, barter, exchange, or otherwise deal in flavored tobacco products or accessories for such products.

SECTION 4. Section 4-64-515 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-64-515 Prohibited locations – Retail tobacco dealers.

(Omitted text is unaffected by this ordinance)

~~(b) — No licensee engaged in the business of retail tobacco dealer shall sell, give away, barter, exchange, or otherwise deal in flavored tobacco products or accessories for such products at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (b) shall not apply to retail tobacco stores. For purposes of this subsection, “retail tobacco store” has the meaning ascribed to that term in Section 7-32-010.~~

~~(c)~~(b) The Commissioner of Business Affairs and Consumer Protection shall not issue any new tobacco license to engage in the business of retail tobacco dealer at any location that has a property line within 500 feet of the property line of any public, private, or parochial secondary school located in the City of Chicago. This subsection (c) shall not apply to: (1) renewals of licenses existing as of December 31, 2016, or (2) applications for a new tobacco license to engage in the business of retail tobacco dealer pursuant to a purchase of a retail tobacco business at a location that holds such a license on or after December 31, 2016.

~~(d)~~(c) The Commissioner of Business Affairs and Consumer Protection and the Commissioner of Health are hereby authorized to promulgate rules necessary or appropriate to enforce this section.

SECTION 5. Section 4-64-900 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-64-900 Fines – Specific offenses.

(Omitted text is unaffected by this ordinance)

(b) Except as otherwise provided in subsection (c) of this section, and in addition to any other penalty provided by law, any person found liable of violating Sections 3-42-060, 3-42-100, 4-64-200(a), 4-64-300, 4-64-310, 4-64-315, 4-64-340, 4-64-400(1), 4-64-500(1), 4-64-500(2), 4-64-500(3), 4-64-510(1), ~~4-64-510(6)~~, 4-64-515, 4-64-520, 4-64-710 or 4-64-820(a) or any rule duly promulgated thereunder shall be punished by a fine of not less than \$1,000.00 nor more than \$5,000.00 each offense. Each day that a violation continues shall constitute a separate and distinct offense.

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 17-17-0200 of the Municipal Code of Chicago is hereby amended by deleting the language struck through, as follows:

17-17-0200 General Terms.

(Omitted text is unaffected by this ordinance)

17-17-0269 Home Occupation. An accessory use of a dwelling unit for business or commercial purposes. Home occupations are subject to the standards of Sec. 17-9-0202.

17-17-0269.5 Hookah bar. An establishment where patrons share ~~flavored~~ tobacco from a communal hookah or similar type water pipe, smoking device while seated at a table or bar.

17-17-0270 Household. One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 3 additional persons, all of whom live together as a single housekeeping unit; or one or more handicapped persons, as defined in the Fair Housing Amendments Act of 1988, plus not more than 3 additional persons, all of whom live together as a single housekeeping unit.

(Omitted text is unaffected by this ordinance)

SECTION 7. This ordinance shall be in full force and effect 60 days following passage and publication.

Matthew J. O'Shea
Alderman, 19th Ward

Roderick T. Sawyer
Alderman, 6th Ward

Silvana Tabares
Alderman, 23rd Ward

Stephanie Coleman
Alderman, 16th Ward

Daniel LaSpata

Alderman, Ward 1

Brian Hopkins

Alderman, Ward 2

Michelle Harris

Alderman, Ward 8

Susan Sadlowski Garza

Alderman, Ward 10

Derrick G. Curtis

Alderman, Ward 18

Michael G. Rodriguez

Alderman, Ward 22

Byron Sigcho-Lopez

Alderman, Ward 25

Ariel Reboyras

Alderman, Ward 30

Scott Waguespack

Alderman, Ward 32

Andre Vasquez, Jr.

Alderman, Ward 40

Michele Smith

Alderman, Ward 43

James Gardiner

Alderman, Ward 45

James Cappleman

Alderman, Ward 46

Matthew J. Martin

Alderman, Ward 47

Harry Osterman

Alderman, Ward 48

Maria E. Hadden

Alderman, Ward 49



CITY OF CHICAGO



OFFICE OF THE CITY CLERK
ANNA M. VALENCIA

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(Signature)

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Alderman _____ Ward
(Signature)

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CITY OF CHICAGO



OFFICE OF THE CITY CLERK
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Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Date Filed: _____ **Principal Sponsor:** _____
(Signature)

Removing Co-Sponsor(s)

Please **REMOVE** Co-Sponsor(s) Below – (Principal Sponsor’s Consent NOT Required)

Alderman _____ (____ Ward)
(Signature)

Alderman _____ (____ Ward)
(Signature)

Date Filed: _____

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