

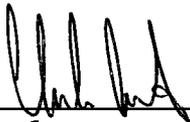
## City of St. Charles, Illinois

**Ordinance No.: 2020-M-43**

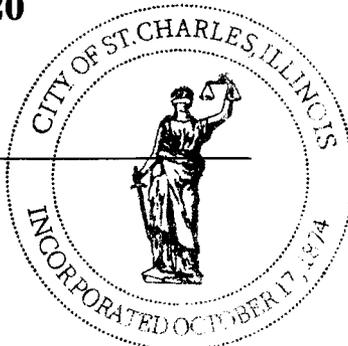
**An Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.16 “Tobacco”, of the St. Charles Municipal Code.**

**Adopted by the  
City Council  
of the  
City of St. Charles  
October 5, 2020**

Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, **October 12, 2020**



\_\_\_\_\_  
City Clerk



**(S E A L)**

**City of St. Charles, Illinois  
Ordinance No. 2020-M-43**

**An Ordinance Amending Title 5 “Business Licenses and Regulations”;  
Chapter 5.16 “Tobacco”; Sections 5.16.050 “Fee and Term”, 5.16.080 “Signs”,  
5.16.170 “Penalty”, and 5.16.180 “Tobacco commissioner; tobacco  
commission; suspension, revocation of license; fines, costs” of the St. Charles  
Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,  
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 5 “Business Licenses and Regulations,” Chapter 5.16 “Tobacco,” Section 5.16.050 “Fee and Term” of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

- A. The license fee for a Retail Tobacco Dealer – over the counter as well as vending machines shall be \$50.00.
- B. The license fee for a Retail Tobacco Dealer – product sampler shall be \$100.00.
- C. The license fee for a Wholesale Tobacco Dealer shall be \$250.00.

The license shall be effective for one (1) year commencing on May 1 and ending on April 30, annually.

No license shall be issued or renewed if the license, its officers, directors or shareholders are in arrears on any debt owed to the City.

SECTION TWO: That Title 5 “Business Licenses and Regulations,” Chapter 5.16 “Tobacco,” Section 5.16.080 “Signs” of the St. Charles Municipal Code, be and is hereby amended as follows:

- C. Locations Restrictions:  
It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco, tobacco products, alternative nicotine products, or electronic cigarettes within one hundred feet (100’) of any school, childcare facility or other building used for education or recreational programs for persons under the age of twenty-one (21) years.

SECTION THREE: That Title 5 “Business Licenses and Regulations,” Chapter 5.16 “Tobacco,” Section 5.16.070 “Penalty” of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

Any person violating any provision of sections 5.16.100 or 5.16.110 shall, upon violation, be fined one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for each subsequent offense. In the alternative, any person violating any provision of sections 5.16.100 or 5.16.110 shall, upon violation, complete fifteen (15) hours of community restitution for the first offense, thirty (30) hours of community service for the second offense, and one-hundred (100) hours of community

service for each subsequent offense. All community service shall be completed within one (1) year from the date of the violation.

Any person, firm or corporation violating any provision of this chapter other than 5.16.100 or 5.16.110 shall be fined not less than one hundred (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION FOUR That Title 5 “Business Licenses and Regulations,” Chapter 5.16 “Tobacco”, Section 5.16.180 “Tobacco commissioner; tobacco commission; suspension, revocation of license; fines, costs” of the St. Charles Municipal Code, be and is hereby amended by replacing it with the following:

- A. The Local Liquor Control Commissioner shall serve as the tobacco commissioner and shall be charged with the administration of this article and of such other ordinances relating to tobacco sales and licensing as may be from time to time enacted by the city council. A tobacco commission is created, which shall be composed of the same five members of the city’s local liquor commission. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this article as though fully set forth in this article, as being specifically applicable to the creation, enforcement, and administration of this article.
- B. The tobacco commissioner, after a hearing conducted by the tobacco commission, may suspend or revoke any license issued under the provisions of this article if they determine that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of the license, the tobacco commissioner may instead levy a fine on the licensee. The fine imposed shall be in an amount not less than two hundred fifty (\$250.00) dollars and not more than one thousand (\$1,000.00) dollars for each violation. A separate violation of this Ordinance shall be deemed to have been committed on each day during which a violation occurs or is permitted to continue.
- C. No license issued under this article shall be suspended or revoked and no licensee shall be fined except after a public hearing by the tobacco commission affording the licensee an opportunity to appear and defend against the charges.
- D. If the tobacco commission determines after such hearing that the license under this Article should be revoked or suspended or that the licensee shall be fined, the tobacco commission shall recommend to the tobacco commissioner either the amount of the fine, the period of suspension or that the license be revoked.
- E. Any licensee determined by the tobacco commissioner to have violated any of the provisions of this article shall pay to the City the costs of the hearing before the tobacco commission on such violation. The tobacco commissioner shall determine the costs incurred by the City for such hearing, including but not limited to, attorneys’ fees, court reporter’s fees, fees incurred by the City, Chief of Police and the local Liquor Control Commissioner, the cost of preparing and mailing notices and orders, and all other miscellaneous expenses incurred by the City or such lesser sum as to the tobacco commissioner may allow.

The licensee shall pay such costs to the city within 30 days of notification of the costs by the tobacco commissioner. Failure to pay such costs within 30 days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.

- F. All decisions of the tobacco commissioner are appealable in the manner provided by law.

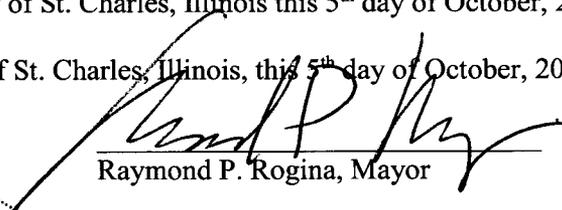
SECTION FIVE: That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION SIX: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

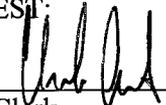
PRESENTED to the City Council of the City of St. Charles, Illinois, this 5<sup>th</sup> day of October, 2020.

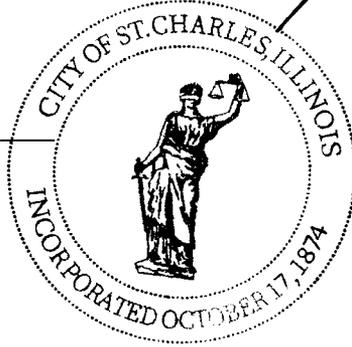
PASSED by the City Council of the City of St. Charles, Illinois this 5<sup>th</sup> day of October, 2020.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 5<sup>th</sup> day of October, 2020.

  
Raymond P. Rogina, Mayor

ATTEST:

  
City Clerk



COUNCIL VOTE:

Ayes : 10  
Nays : 0  
Absent : 0

State of Illinois )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, CHUCK AMENTA, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

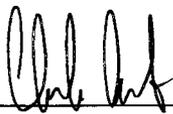
I further certify that on **October 5, 2020**, the Corporate Authorities of such municipality passed and approved Ordinance No. **2020-M-43** entitled:

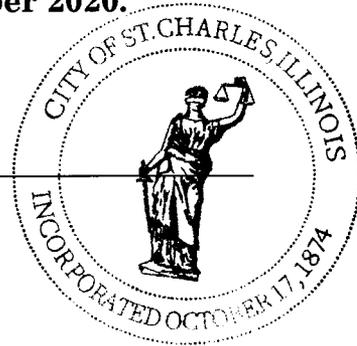
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which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. **2020-M-43**, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on **October 12, 2020**, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

**DATED** at St. Charles, Illinois, this **5th** day of **October 2020**.

  
Municipal Clerk



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