

 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 5c
	Title:	Recommendation to approve an Ordinance Amending 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	
Presenter:	Police Chief Keegan		
Meeting: Government Operations Committee		Date: November 20, 2023	
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: None			
Executive Summary (if not budgeted, please explain):			
<p>Please see the attached document for the proposed changes to the City of St. Charles City Code updating Chapter 5.16 “Tobacco,” Section 5.16.180 “Tobacco Commissioner; Tobacco Commission; Suspension, Revocation of License; Fines, Costs.”</p> <p><i>Before being presented to this Committee, this item was discussed at the Liquor Control Commission meeting on November 20, 2023. The City Council will vote on this item during the City Council Meeting on December 4, 2023</i></p>			
Attachments (please list):			
Changes highlighted in ordinance format			
Recommendation/Suggested Action (briefly explain):			
Recommendation to modify City Code with the listed revisions to 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.			

City of St. Charles, Illinois
Ordinance No. 2023-M- _____

**An Ordinance Amending 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 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 5.16.180 “Tobacco Commissioner; Tobacco Commission; Suspension, Revocation of License; Fines, Costs” of the St. Charles Municipal Code be and is hereby replaced in its entirety with the following:

**5.16.180 – Tobacco ~~e~~C~~ommissioner~~; ~~f~~T~~obacco~~ ~~e~~C~~ommission~~; ~~s~~S~~uspension~~, ~~r~~R~~evocation of~~ ~~l~~L~~icense~~; ~~f~~F~~ines~~,
~~e~~C~~osts~~**

- A. The Local Liquor Control Commissioner shall serve as the ~~f~~T~~obacco~~ ~~e~~C~~ommissioner~~ and shall be charged with the administration of this ~~a~~A~~rticle~~ and of such other ordinances relating to tobacco sales and licensing as may be from time to time enacted by the ~~e~~C~~ity~~ ~~e~~C~~ouncil~~. A ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ is created, which shall be composed of the same five members of the ~~e~~C~~ity~~’s ~~l~~L~~ocal~~ ~~l~~L~~iquor~~ ~~e~~C~~ommission~~. Accordingly, the terms and provisions of Sections 5.08.020, 5.08.030 and 5.08.035 of this Code are incorporated into this ~~a~~A~~rticle~~ as though fully set forth in this ~~a~~A~~rticle~~, as being specifically applicable to the creation, enforcement, and administration of this ~~a~~A~~rticle~~.
- B. The ~~f~~T~~obacco~~ ~~e~~C~~ommissioner~~, after a hearing conducted by the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~, may levy a fine against the licensee, in addition to the suspension or revocation of any license issued under the provisions of this ~~a~~A~~rticle~~ if ~~they-it is~~ determined that the licensee has violated any of the provisions of this ~~a~~A~~rticle~~. ~~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 ~~a~~A~~rticle~~ shall be suspended or revoked and no licensee shall be fined except after a public hearing by the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ affording the licensee an opportunity to appear and defend against the charges.
- D. If the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ determines after such hearing that the license under this Article should be revoked ~~or~~and suspended or that the licensee shall be fined, the ~~f~~T~~obacco~~ ~~e~~C~~ommission~~ shall recommend to the ~~f~~T~~obacco~~ ~~e~~C~~ommissioner~~ ~~either~~the amount of the fine, in addition to the period of suspension or that the license be revoked.

E. In addition, ~~a~~Any licensee determined by the ~~€~~Tobacco ~~e~~Commissioner to have violated any of the provisions of this ~~a~~Article shall also pay to the City the costs of the hearing before the ~~€~~Tobacco ~~e~~Commission on such violation. The ~~€~~Tobacco ~~e~~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 Tobacco~~ 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 ~~e~~Commissioner may allow.

F. The licensee shall pay such finer and costs to the ~~e~~City within ~~30~~seven (7) days of notification ~~of the costs~~ by the ~~€~~Tobacco ~~e~~Commissioner. Failure to pay such finer and costs within ~~30~~seven (7) days of notification is a violation of this ~~a~~Article and may be cause for license suspension or revocation, or the levy of additional finer and costs.

FG. All decisions of the ~~€~~Tobacco ~~e~~Commissioner are appealable in the manner provided by law.

SECTION THREE: 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 FOUR: 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 ___ day of _____, 2023.

PASSED by the City Council of the City of St. Charles, Illinois this ___ day of _____, 2023.

APPROVED by the Mayor of the City of St. Charles, Illinois, this _____ day of _____, 2023.

Lora Vitek, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

Ayes : _____

Nays : _____

Absent: _____