

**ORDINANCE NO. 16-07-22**

**AN ORDINANCE AMENDING CHAPTER 8, LICENSES AND PERMITS, ARTICLE XXII, TOBACCO DEALERS, SECTION 8-831, TOBACCO LICENSE REQUIRED, OF THE BURBANK MUNICIPAL CODE**

**DAN M. FOY**  
Mayor

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**BARRY J. SZYMCZAK**  
City Clerk

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Treasurer

**LOUIS F. CAINKAR, LTD.**  
City Attorney

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WHEREAS, the City of Burbank is an Illinois municipality and a home rule unit of local government organized and existing pursuant to the laws of the State of Illinois; and

WHEREAS, the City of Burbank regulates the retail sale of tobacco products, alternative nicotine products and electronic cigarettes pursuant to Chapter 8, Article XXII of the Burbank Municipal Code; and

WHEREAS, in order to protect the public health, safety and welfare, the City of Burbank City Council seeks to limit the proliferation of tobacco and alternative nicotine product specialty stores; and

WHEREAS, the City of Burbank City Council has determined that it will serve and advance the public's health, safety and welfare and be in the best interest of the City and its residents to amend the Burbank Municipal Code to distinguish between tobacco-centric retailers that specialize in the retail sale of tobacco and alternative nicotine products as a principal use and commercial retailers that incidentally sell such products.

NOW THEREFORE, BE IT ORDAINED by the City Council of Burbank, Cook County, Illinois, as follows:

**Section 1**

The foregoing recitals shall be and are hereby incorporated into and made a part of this ordinance as if fully set forth in this Section 1.

**Section 2**

That Section 8-831, Tobacco License Required, of Chapter 8, Licenses and Permits, Article XXII, Tobacco Dealers, of the Burbank Municipal Code, be amended to read as follows:

**Sec. 8-831. Tobacco Dealer License Required.**

No person shall engage in the business of tobacco dealer in the City without first having obtained a tobacco license. The annual fee for a tobacco license shall be \$200. The Mayor is authorized to promulgate rules and regulations requiring mandatory education of all persons holding a tobacco license. Tobacco licenses may be revoked by the Mayor for violations of the Burbank Municipal Code or such rules and regulations promulgated by the Mayor. Tobacco Dealers' Licenses shall be divided into two classes with the following limitations:

- A. **Class A (Incidental Sales) Tobacco Dealer License** – license required for the retail sale or display of tobacco, tobacco products, alternative nicotine products, electronic cigarettes, vape or vaping products, including without limitation vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing, pipes, bongs and other paraphernalia associated with the smoking of cannabis or similar products, where such sales or displays are incidental to the principal use of the premises, such as a tobacco department or display in a larger commercial establishment, such as a grocery store or convenience store which devotes less than ten percent of its floor or display area to such products and which derives less than fifty percent of its gross revenue from the sale of tobacco, tobacco products, alternative nicotine products, electronic cigarettes, vape or vaping products including without limitation vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing. There shall be an unlimited number of Class A (Incidental Sales) Tobacco Dealer Licenses that may be issued and outstanding at any one time.
- B. **Class B (Tobacco Shop) Tobacco Dealer License** – license required in order to operate a retail establishment principally engaged in the retail sale or display of tobacco, tobacco products, alternative nicotine products, electronic cigarettes, vape or vaping products, including without limitation vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing, as well as pipes, bongs and other paraphernalia associated with the smoking of cannabis or similar products, where ten percent or more of its floor or display area is dedicated to such products and fifty percent or more of the gross revenue of such establishment is derived from the sale of such products. There shall be no more than eleven (11) Class B (Tobacco Shop) Tobacco Dealer Licenses issued and outstanding at any one time. In the event that a Class B (Tobacco Shop) Tobacco Dealer License is lapsed or revoked or the licensed premises becomes vacant for a continuous period of at least ninety days, then the maximum number Class B (Tobacco Shop) Tobacco Dealer Licenses in the city shall automatically be reduced by one for each lapse or revocation.

### **Section 3**

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

### **Section 4**

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the City of Burbank.

## Section 5

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

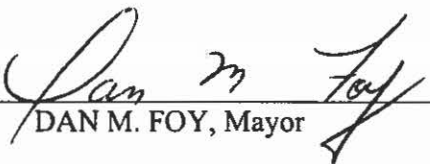
## Section 6

This ordinance shall be in full force and effect after passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the City Clerk of the City of Burbank this 20<sup>th</sup> day of July, 2022.

  
BARRY J. SZYMCIK, City Clerk

APPROVED by me the 20<sup>th</sup> day  
of July, 2022.

  
DAN M. FOY, Mayor



I DO HEREBY CERTIFY that this ordinance was, after its passage and approval, published in pamphlet form by authority of the City of Burbank, in accordance with law, this 20<sup>th</sup> day of July, 2022.

  
BARRY J. SZYMCIK, City Clerk

