

**AN ORDINANCE REGARDING
THE LICENSING AND REGULATION
OF FILLING STATIONS**

WHEREAS, the City of Rolling Meadows, as a home rule unit of local government as provided by Article VII, Section 6(a) of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, it is the legislative findings of the Corporate Authorities of the City that certain automotive filling stations and convenience stores within the City may be engaged in abusive, deceptive, and unfair commercial conduct and, further, that existing laws and procedures are inadequate to protect the City's residents and taxpayers from this conduct; and

WHEREAS, the City therefore desires to adopt further business regulations concerning the retail sale of fuel to the public at filling stations, as well as the sale of goods at convenience stores operated in conjunction with filling stations;

WHEREAS, the Corporate Authorities of the City of Rolling Meadows have determined that it is in the best interest of the City and its residents to amend the Municipal Code concerning the licensing and regulation of filling stations as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Rolling Meadows, Illinois:

Section 1: The recitals set forth above are incorporated herein by reference.

Section 2: Division 3, entitled "Filling Stations," of Article II, entitled "Merchants," of Chapter 22, entitled "Businesses" is hereby comprehensively amended and replaced in its entirety with **Exhibit A** attached to and, by this reference, made a part of this Ordinance.

Section 3: Division 9, entitled "Fuel Oil, Wholesale Gasoline Dealers," of Article III, entitled "Other Businesses," of Chapter 22, entitled "Businesses," is hereby repealed in its entirety and reserved for future use.

Section 4: The City's License Officer is hereby directed to issue notice of the adoption of this Ordinance to each filling station operating within the City.

Section 5: If any provision of this Ordinance or part thereof is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect, and shall be interpreted, applied, and enforced so as to achieve, as near as may be, the purpose and intent of this Ordinance to the greatest extent permitted by applicable law.

Section 6: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

PASSED AND APPROVED by the City Council of Rolling Meadows, Cook
County, Illinois this 23rd day of April, 2024.

AYES: Koehler, McHale, Budmats, O'Brien, Boucher, Reyez

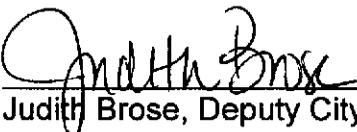
NAYS: 0

ABSENT: Vinezeano



Lara Sanoica, Mayor

ATTEST:



Judith Brose, Deputy City Clerk

Published this 26th day of April, 2024.



Judith Brose, Deputy City Clerk

EXHIBIT A
New Chapter 22, Article II, Division 3
DIVISION 3. FILLING STATIONS

Sec. 22-136 **Definitions.**

Whenever in this Division 3 the following words and phrases are used, they will, for the purposes of this Division, have the meanings respectively ascribed to them in this Section, except when the context otherwise clearly indicates.

Whenever in this Division other words are used, those other words will have the meanings normally ascribed to them:

FILLING STATION means any establishment where fuel for motor vehicles is offered to the public. "Filling station" also includes any convenience store, service station, or similar retail establishment operated in conjunction with the primary business of selling and dispensing fuel for motor vehicles.

FUEL means any gasoline, diesel, or alternative fuel used for the generation of power in an internal combustion engine or fuel cell in a motor vehicle used upon public streets and highways. "Fuel" does not include electrical power delivered conductively or inductively to an electric motor in electric or plug-in hybrid vehicles.

FUEL TYPE means the different types of fuels defined in the Uniform Fuels and Automotive Lubricants Regulation provided within the most current revision of the National Institute of Standards and Technology Handbook 130. For example, "unleaded," "diesel," and "biodiesel" are types of fuels.

FUEL GRADE means the automotive fuel ratings or grades set forth by the Uniform Fuels and Automotive Lubricants Regulation provided within the most current revision of the National Institute of Standards and Technology Handbook 130. For example, "premium," "midgrade," and "regular" are grades of unleaded gasoline fuel.

SALE or any of its variants means to attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery, offer for delivery, trade, barter, or expose for sale.

Sec. 22-137 **License required; insurance.**

- A. No person can engage in the business of operating a filling station without first having obtained a license therefore. Licenses for filling stations are subject to the City's general licensing rules in Article I of this chapter.

- B. The City must be named as an additional insured on any commercial liability insurance including, without limitation, environmental and pollution liability insurance maintained by a filling station in the City and must provide certification and documentation of inclusion of the City on any such policy prior to the issuance of any license or renewal license by the City.

Sec. 22-138 Required fuel price signage at dispenser.

- A. Every fuel dispenser must include, in a conspicuous place, at least one sign or price indicator showing the total price per gallon, including all applicable fuel and sales taxes. If service may be made from more than one side of the dispenser, the sign or price indicator must be placed or visible from both sides of the dispenser. The price displayed for a particular grade of full must match exactly both: (i) the price shown by any sign(s) visible from the street and (ii) the price of sale at every other dispenser located at the same filling station.
- B. Every fuel dispenser must accurately display: the gallons and decimal subdivisions of the gallon sold during a transaction; the selling price per gallon; and the total selling price.
- C. All letters, figures, or numerals which are part of any sign or price indicator required by this Section must be plainly legible. The color or tint must contrast with the background and other parts of the sign.

Sec. 22-139 Required fuel receipts at dispenser.

Every fuel purchase must be documented by a receipt. A copy of a printed receipt must be offered to the customer after each transaction. The receipt must include, at a minimum: the date of the transaction; the name, address, and telephone number of the establishment; the quantity and unit price of fuel purchased; the total amount of the transaction; and the form of payment tendered.

Sec. 22-140 Deceptive fuel sale practices prohibited.

It is unlawful for any person or other legal entity to make any deceptive, false, or misleading statement by any means whatever regarding quality, quantity, performance, price, discount, or saving used in the sale or selling of any fuel at a filling station. Specifically, and without limitation, the following misleading, unfair, or deceptive acts or practices committed or permitted by any person offering for sale any fuel are a violation of this Section:

- A. Misrepresenting the brand, grade, quality, or price of a fuel.
- B. Charge an amount greater than a true extension of a price per unit that is then advertised, posted, marked, displayed, or quoted for the fuel.
- C. Charge an amount greater than the lowest price posted that corresponds to the fuel, taking into account any advertised discount or difference in the cash and credit prices.
- D. Using false or deceptive representations or designations in connection with the sale of fuels.

- E. Advertising fuels or services and not selling them as advertised.
- F. Advertising fuels of a designated brand, grade, trademark, or trade name not actually sold or available for sale.
- G. Making false, deceptive, or misleading statements concerning conditions of sale or price reductions.
- H. Representing that the consumer will receive a rebate, discount, or other economic benefit and then failing to give that rebate, discount, or other economic benefit. Where a rebate, discount, or other economic benefit is bundled with another good or service offered by the filling station, that good or service must be available to the consumer at the time of sale without delay.
- I. Selling a grade of fuel at more than one price and advertising only the lower price without advertising each of the higher prices in equal size numerals on the same advertising medium.
- J. Placing letters, words, figures, or numerals on any advertising medium offering for sale any goods or merchandise, other than fuel, if the advertising medium may be construed by any reasonable person as advertising a price of fuel.

Sec. 22-141 Sales of goods other than fuel at filling stations.

The following regulations apply to the sale of goods other than fuel at a filling station:

- A. **Price marking.** The price for each item available for purchase must be conspicuously communicated by a clear and legible price marking, in United States dollars and cents, that is specific to the item. This requirement may be met by: (i) marking prices on each individual product; (ii) by affixing or placing a label upon the shelf or display where the item for sale is displayed; or (iii) by posting a sign for item displays not located on shelves.
- B. **Point of sale systems.** Businesses which use a point-of-sale system must ensure that the price of each item to be paid by the consumer at the time that the price is interpreted by the system. In any instance in which the retailer advertises a price reduction or discount regarding an item offered for sale, the checkout system customer indicator must display either the discounted price for that item, or alternatively, the regular price and a credit or reduction of the advertised savings. Any surcharges and the total value to be charged for the overall transaction also must be displayed for the consumer at least once before the consumer is required to pay for the goods or services. The checkout system customer indicator must be so positioned, and the prices and amounts displayed must be of a size and form, as to be easily viewable from a typical and reasonable customer position at each checkout location.

- C. **Pricing errors.** The retailer must promptly correct all scanning and/or price marking discrepancies upon notification of such discrepancy, including notifications by the City; any consumer; or any agent or employee of the establishment.
- D. **Refund, return, and check-writing policies** must be posted in a conspicuous manner on a permanent sign at each cash register or customer service desk or counter. A retailer that does not accept refunds or returns must clearly indicate "NO REFUNDS" and/or "NO RETURNS" in capital letters.
- E. **Credit and debit policies.** If the establishment sets a minimum charge for use of a credit or debit card or applies any discount or surcharge based on the method of payment, these policies must be posted in a conspicuous manner at the two locations specified in subsection D.
- F. **Receipts.** Every purchase must be documented by a receipt. A copy of a printed receipt must be offered to the customer after each transaction. The receipt must include, at a minimum: the date of the transaction; the name, address, and telephone number of the establishment; the identity and price of each item purchased; the amount of each sales tax; the total amount of the transaction; and the form of payment tendered.

Sec. 22-142 Other deceptive practices prohibited.

It is unlawful for any person or other legal entity to make any deceptive, false, or misleading statement by any means whatever regarding quality, quantity, performance, price, discount, or saving used in the sale or selling of any item other than fuel at a filling station. Specifically, and without limitation, the following misleading, unfair, or deceptive acts or practices committed or permitted by any person offering for sale any item at a filling station other than fuel constitutes a violation of this Section:

- A. Misrepresenting the brand, grade, quality, or price of an item.
- B. Charge an amount greater than the price, or to compute an amount greater than a true extension of a price per unit, that is then advertised, posted, marked, displayed, or quoted for that item.
- C. Charge an amount greater than the lowest price posted that corresponds to the item, notwithstanding any discount or limitation of the time period for which the posted price is in effect.
- D. Sells any item in less quantity than he or she represents it to be.
- E. Using false or deceptive representations or designations in connection with the sale of an item.
- F. Advertising items and not selling them as advertised.
- G. Advertising items of a designated brand, grade, trademark, or trade name not actually sold or available for sale.
- H. Making false, deceptive, or misleading statements concerning conditions of sale or price reductions.

- I. Representing that the consumer will receive a rebate, discount, or other economic benefit and then failing to give that rebate, discount, or other economic benefit.

Sec. 22-143 Public restrooms.

Unless exempt under Section 890.810 of the Illinois Plumbing Code, the owner or operator of any filling station must provide at least one clean and functional public restroom on the premises. The public restroom must remain open to customers during all hours that the filling station is open.

Sec. 22-144 Fueling assistance for persons with disabilities.

- A. Any attendant on duty at a filling station must, upon request, dispense fuel for the driver of a car which is parked at a self-service island and displays:
 - a. Registration plates issued to a person with a physical disability pursuant to Section 3-616 of the Illinois Vehicle Code;
 - b. Registration plates issued to a veteran with a disability pursuant to Section 3-609 or 3-609.01 of the Illinois Vehicle Code; or
 - c. A special decal or device issued pursuant to Section 11-1301.2 of the Illinois Vehicle Code;
- B. Filling stations must provide refueling assistance upon the request of an individual with a disability; except that a filling station is not required to provide such service at any time that it is operating on a remote-control basis with a single employee on duty, but is encouraged to do so, if feasible.
- C. Filling stations must provide and display at least one Americans with Disabilities Act (ADA) compliant fuel dispenser with a direct telephone number to the station that allows an operator of a motor vehicle who has a disability to request refueling assistance, with the telephone number posted in close proximity to the International Symbol of Accessibility required by the ADA. If the station does not have at least one ADA compliant fuel dispenser, the station must display on at least one fuel dispenser a direct telephone number to the station that allows an operator of a motor vehicle who has a disability to request refueling assistance. The signage required by this paragraph must be designated by the station owner and posted in a prominently visible place. The sign must be clearly visible to customers.
- D. Any refueling assistance must be provided without charge beyond the self-serve price.

Sec. 22-145 Penalty; revocation.

- A. **Penalty.** In addition to any other penalty provided by law, the penalty for a violation of any Section of this Division 3 is the general penalty provided in Appendix B, I. – General Penalty. A licensee may be held strictly liable for violations committed by their employees, regardless of actual or constructive knowledge. Each day that a violation continues shall constitute a separate and distinct offense.

- B. Suspension or Revocation of License.** In addition to any other penalty provided by law, a business license for a filling station may be suspended or revoked each time the licensee, including the licensee's employees or agents, is found in violation of one or more Sections of this Division 3. The City Manager may call a hearing to consider the revocation or suspension of the license pursuant to Section 22-40.
- C. Liquor Violations.** The violation of any Section of this Division 3 involving the sale of liquor is subject to the jurisdiction of the City's local liquor control commissioner pursuant to Section 6-46 as a violation of the City's liquor regulations, and the penalty that applies for any liquor code violation is the penalty provided in Appendix B, IV. – Alcoholic beverages.

[Sections 22-146 through 22-170, inclusive, are reserved for future use.]