

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF ROLLING MEADOWS, ILLINOIS, CONCERNING THE REGULATION OF TOBACCO AND INDUSTRIAL HEMP DEALERS**

**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**, Division 2 of Article II of Chapter 22 of the Code of Ordinances, Rolling Meadows, Illinois establishes regulations for the retail sale of tobacco and industrial hemp products within the City of Rolling Meadows ("***Tobacco Regulations***"), including a licensing system that limits the number of establishments that may operate at one time within the City; and

**WHEREAS**, the City desires to amend the Tobacco Regulations to ensure that a public hearing takes place before authorizing an establishment to receive a new license of a classification that is subject to a numerical limit; and

**WHEREAS**, the City desires to clarify within the Tobacco Regulations that the holders of accessory tobacco licenses are not subject to the same application and background investigation requirements as other types of licenses; and

**WHEREAS**, the Corporate Authorities of the City of Rolling Meadows have therefore determined that it is in the best interest of the City and its residents to amend the Municipal Code 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 as the findings of the Corporate Authorities.

**Section 2:** Section 22-108, entitled "Restriction upon number and location of licenses," of Division 2, entitled "Tobacco and Industrial Hemp Dealers," of Article II,

entitled "Merchants," of Chapter 22, entitled "Businesses," of the Code of Ordinances, City of Rolling Meadows, Illinois, is hereby amended to append a new subsection (e) as follows:

**"Sec. 22-108. Restriction upon number and location of licenses.**

\* \* \*

**(e) Public Hearing for Newly Authorized Licenses.**

(1) **Public Hearing Requirement.** Upon the request of a business that the City Council increase the number of available licenses of any license class subject to a numeric limit, the City Council will first conduct a public hearing to consider the advisability of increasing the number of licenses.

i. **Exception:** Where the proposed conduct also requires the grant of a special use permit considered at a public hearing before the City's Planning and Zoning Commission, the hearing requirements of this subsection (e) shall be satisfied and no further hearing shall be required.

(2) **Form of Notice.** Notice of the hearing will be given by the City between 30 and 15 days in advance of the hearing date by both: (i) publication in a newspaper having a general circulation in the City; and (ii) by giving notice by first class U.S. mail to the owners of all properties within 300 feet, including public properties and rights-of-way, of the subject property. Notice to owners will be sent to addresses identified for the mailing of property tax statements by the office of the Cook County Clerk. Notices will be deemed given as of the day the notice is deposited in the mail.

(3) **Action upon Recommendation.** The City Council may consider an ordinance amending the City Code to increase the number of licenses no sooner than the next meeting of the City Council following the conclusion of the public hearing."

**Section 3:** Section 22-109, entitled "Character of applicant; ineligibility," of Division 2, entitled "Tobacco and Industrial Hemp Dealers," of Article II, entitled

"Merchants," of Chapter 22, entitled "Businesses," of the Code of Ordinances, City of Rolling Meadows, Illinois, is hereby amended to read as follows [additions are **bold and double-underlined**; deletions are ~~struck through~~]:

**"Sec. 22-109. Character of applicant; ineligibility.**

Pursuant to Section 22-12, the chief of police shall investigate applicants to hold any ~~a~~ **specialty shop license or a smoking lounge** license under this Division 2 to determine if they satisfy the character and criminal history standards provided by this Section. Applicants for a **specialty shop license or a smoking lounge** license under this Division 2 who possess or are concurrently applying for a liquor license under Chapter 6 (Alcoholic Beverages) may be subject to a single background check to determine eligibility for both licenses.

No **specialty shop license or smoking lounge** license ~~required by this Division 2~~ shall be issued to persons, firms, partnerships or corporations should any of the following be found by in the course of reviewing an application for initial license issuance or renewal, and the same shall be grounds for possible revocation if discovered during the course of the year for which the license has been issued:

\* \* \*

- (8) A person with an ownership interest or responsible for management of the applicant's establishment who, at the time of application for renewal ~~of any license issued under this article~~, would not be eligible for such license upon a first application.

\* \* \*

**Section 4:** Section 22-110, entitled "Additional contents of application," of Division 2, entitled "Tobacco and Industrial Hemp Dealers," of Article II, entitled "Merchants," of Chapter 22, entitled "Businesses," of the Code of Ordinances, City of Rolling Meadows, Illinois, is hereby amended to read as follows [additions are **bold and double-underlined**; deletions are ~~struck through~~]:

**"Sec. 22-110. - Additional contents of application.**

Applications for any a specialty shop license or a smoking lounge license under this division 2 shall contain the following in addition to the generally applicable requirements of section 22-9, and the application shall be made under oath:

\* \* \*

**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.

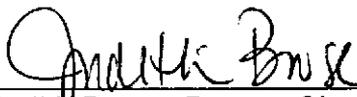
**Section 6:** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form in the manner provided by law.

**PASSED AND APPROVED** by the City Council of Rolling Meadows, Cook County, Illinois this 22<sup>nd</sup> day of October, 2024.

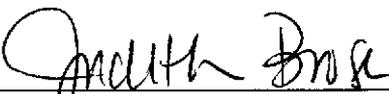
AYES: Budmats, O'Brien, Vinezeano, Boucher, Reyez, Koehler, McHale  
NAYS: 0  
ABSENT: 0

  
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Lara Sanoica, Mayor

ATTEST:

  
\_\_\_\_\_  
Judith Brose, Deputy City Clerk

Published this 24<sup>th</sup> day of October, 2024.

  
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Judith Brose, Deputy City Clerk