

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Section 4-64-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

4-64-100 Definitions.

As used in this Chapter 4-64, unless the context clearly indicates another meaning is intended:

(Omitted text is unaffected by this ordinance.)

"Covered business activity" has the meaning ascribed to that term in Section 4-64-200(a)(1).

"Deleterious impact" means an adverse effect on the value of any property, an increased violation of law, or a risk of a substantial increase in noise, litter, or vehicular congestion.

"Department" means the Department of Business Affairs and Consumer Protection.

(Omitted text is unaffected by this ordinance.)

SECTION 2. Chapter 4-64 of the Municipal Code of Chicago is hereby amended by inserting a new Section 4-64-530, as follows:

4-64-530 Issuance of licenses to retail tobacco dealers – Additional requirements.

(a) *Publication of public notice.* Within five days after payment of the license fee for a tobacco license to engage in the business of retail tobacco dealer, the Commissioner shall publish a notice on the Department's public website that includes: (1) a statement that an application has been made for a license to engage in the business of retail tobacco dealer; (2) the date on which the license fee was paid; (3) the applicant's name; (4) the street address of the premises covered by the application; and (5) a statement that any objection to the granting of the license may be made to the Commissioner, in writing, signed by the objector, within 35 days after the date the license fee was paid, and shall set forth the specific grounds of the objection.

(b) *Posting at premises.* Within five days after payment of the license fee for a tobacco license to engage in the business of retail tobacco dealer, the applicant shall post, in a location clearly visible from the public way at the premises described in the application, a notice containing the information specified in subsection (a) of this section. The applicant shall maintain the notice until the Commissioner issues a final determination regarding the application.

(c) *Notice to local officials.* Within five days after payment of the license fee for a tobacco license to engage in the business of retail tobacco dealer, the Commissioner shall issue written notice to the alderman of the ward and the commander of the police district in which the premises described in the application is located, providing the information specified in subsection (a) of this section and the applicant's current contact information.

(d) *Review and determination.*

(1) The Commissioner shall review the application materials and any written objections to the granting of the tobacco license to engage in the business of retail tobacco dealer. The review period shall be no fewer than 35 days and no longer than 90 days after the date the license fee is paid.

(2) The Commissioner shall deny an application if the applicant fails to satisfy the requirements of this chapter. The Commissioner may deny an application if the issuance of the license would tend to create a law enforcement problem or have a deleterious impact on the health, safety, or welfare of the community in which the licensed premises would be located.

(3) A deleterious impact is presumed to exist whenever there have been a substantial number of arrests within 500 feet of the applicant's premises, measured from the nearest exterior wall of the premises, within the previous two years, unless the applicant has adopted a plan of operation that will provide reasonable assurance that the issuance of the license will not have a deleterious impact.

(4) If the applicant is seeking a license for premises for which, within the previous two years, a license application has been denied under this subsection (d) because the Commissioner determined that issuance of the license would have a deleterious impact on the health, safety, or welfare of the community, the application shall be denied unless the applicant demonstrates that the applicant has adopted a plan of operation that will provide reasonable assurance that the issuance of the license will not have a deleterious impact.

(5) If the Commissioner determines that an application must be denied because the issuance of the license would have a deleterious impact on the health, safety, or welfare of the community, the Commissioner shall notify the applicant of that determination and afford the applicant 20 days to submit a plan of operation. The time for a final determination on the application shall be stayed until 35 days after the period in which the plan may be submitted has expired.

(6) A plan of operation may include conditions upon the applicant's operation of the premises that are useful or necessary to mitigate a deleterious impact, including but not limited to, providing security personnel; restricting hours of operation; providing outdoor lighting; displaying signs; providing trash pickup services; or imposing any other reasonable restrictions on business practices.

(7) Failure to adhere to a written plan of operation approved by the Commissioner pursuant to this subsection (d) constitutes grounds for the imposition of a fine and for the suspension or revocation of any license subsequently issued, as appropriate.

(8) Nothing in this subsection (d) authorizes the issuance of a tobacco license when such issuance is otherwise prohibited under law.

(e) *Minimum issuance period.* No tobacco license to engage in the business of retail tobacco dealer shall be issued prior to the expiration of 35 days after the date the license fee is paid.

(f) *Other legal requirements.* The requirements of this section are in addition to the applicable requirements set forth in Chapters 4-4 and 4-64 of this Code.

SECTION 3. This ordinance takes effect ten days after passage and publication.

RONNIE L. MOSLEY
Alderman, 21st Ward