

AN ORDINANCE

AMENDING Chapter 22, “OFFENSES-MISCELLANEOUS,” ARTICLE 1, DIVISION 1, Section 22-1105, “TOBACCO PRODUCTS, TOBACCO ACCESSORIES, SMOKING HERBS AND ALTERNATIVE NICOTINE PRODUCTS,” of the City of Moline Code of Ordinances, regarding tobacco dealer’s licenses.

WHEREAS, the City of Moline (“City”) is a home rule municipal corporation organized and operating in accordance with the Constitution and laws of the State of Illinois; and

WHEREAS, pursuant to its home rule powers, the City may exercise any power and perform any function relating to its government and affairs; and

WHEREAS, the City is authorized under the Illinois Municipal Code to fix the amount, terms, and manner of issuing licenses, 65 ILCS 5/11-60-1; and

WHEREAS, the City wishes to limit the number and transferability of tobacco dealer’s licenses; and

WHEREAS, the corporate authorities hereby find and determine that it is in the best interest of the City to adopt the licensing regulations for tobacco dealer’s licenses as provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

Section 1 – The foregoing recitals are hereby incorporated into this Ordinance as though fully set forth in this Section 1.

Section 2 – That Chapter 22, “OFFENSES-MISCELLANEOUS,” ARTICLE 1, DIVISION 1, Section 22-1105, “TOBACCO PRODUCTS, TOBACCO ACCESSORIES, SMOKING HERBS AND ALTERNATIVE NICOTINE PRODUCTS,” of the Moline Code of Ordinances, is hereby amended, as follows (additions in **bold and underlined** and deletions in **~~bold and strikethrough~~**):

“SEC. 22-1105. TOBACCO PRODUCTS, TOBACCO ACCESSORIES, SMOKING HERBS AND ALTERNATIVE NICOTINE PRODUCTS.

[...][...]

(b) License required. It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco products, tobacco accessories, smoking herbs, electronic

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cigarettes, or any alternative nicotine products within the City without having first obtained a tobacco dealer's license therefore pursuant to this Chapter.

(1) The total number of tobacco dealer's licenses to be issued at any time is limited to 48. From time to time, the Mayor and City Council may amend the number of tobacco dealer licenses.

(2) If any tobacco dealer's license is revoked, lapsed, or not issued, the maximum number of authorized licenses will be automatically reduced by the total number of revoked or non-issued licenses.

(3) No licensee under this article shall use its tobacco dealer's license to engage in the tobacco dealer business at any location other than the one named in the license. The use or attempted use of a license issued pursuant to this section at any premises other than the one for which the license was issued shall be cause for revocation of the license.

(4) Any license granted pursuant to this section shall be personal to the individual or entity to whom issued and may not be transferred to any other person or entity. Such license shall not be sold, leased, transferred, assigned, or otherwise disposed of, either in whole or in part, whether by forced sale, merger, consolidation, bankruptcy, reorganization under bankruptcy laws, or otherwise, without reapplication pursuant to subsection 22-1105(c).

(c) License application. Application for a license hereunder shall be made in writing to the accounts and finance officer and shall be processed in accordance with this Code and in accordance with procedures adopted by the accounts and finance officer.

(d) Licensee fee. The license fee for a tobacco dealer's license shall be one hundred dollars (\$100.00) when issued, with an annual renewal fee of one hundred dollars (\$100.00) thereafter. The license year will begin on May 1 of each year.

[...] [...]"

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 Ordinances, resolutions, motions or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect shall be in full force and effect upon its passage and approval as provided by law.

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CITY OF MOLINE, ILLINOIS

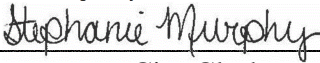
DocuSigned by:


Mayor 1988E8E254D4...

September 26, 2023
Date

Passed: September 26, 2023

Approved: October 10, 2023

Attest: DocuSigned by:


19898ED80DD1498
Stephanie Murphy
City Clerk