

..Title

AN ORDINANCE AMENDING CHAPTER 15 OF TITLE VII OF THE MUNICIPAL CODE REGARDING THE REGULATION OF TOBACCO ESTABLISHMENTS AND SALE OF TOBACCO AND RELATED PRODUCTS

..Body

WHEREAS, the Village of Orland Park, Cook and Will Counties, Illinois (the "**Village**") a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, on March 15, 2021, the Corporate Authorities adopted Ordinance No. 5598 regulating the sale of tobacco and alternative nicotine products in the Village; and

WHEREAS, the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1, *et seq.* (the "**Act**") authorizes the Village to regulate electronic cigarettes in the same manner as tobacco products and alternative nicotine products; and

WHEREAS, the Corporate Authorities desire to amend Chapter 15 of Title VII of the Municipal Code to incorporate regulations restricting the sale of electronic cigarettes in a manner consistent with the Village's regulations pertaining to tobacco products and alternative nicotine products; and

WHEREAS, the Corporate Authorities desire to modernize and clarify its tobacco licensing regulations to address emerging business models, such as smoking lounges, hookah lounges, and tobacco vending machines, while maintaining appropriate safeguards; and

WHEREAS, the Smoke-Free Illinois Act generally prohibits smoking in public places and places of employment, but provides limited exemptions for qualifying retail tobacco establishments, including smoking lounges and hookah lounges, subject to strict conditions; and

WHEREAS, smoking lounges and hookah lounges present unique public health and safety considerations and clear operational standards are necessary to mitigate the risks inherent in these operations; and

WHEREAS, studies and enforcement experience have demonstrated that smoking lounges may generate a disproportionate demand on municipal resources, including police, fire, and code enforcement services, particularly where operational standards are not strictly maintained; and

WHEREAS, appropriate regulations and limitations on the number of available licenses are reasonable measures to protect against adverse effects on surrounding land uses and neighborhood concerns; and

WHEREAS, the adoption of local licensing classifications allows the Village to ensure that any smoking lounge or hookah lounge operates only in compliance with both state and local requirements; and

WHEREAS, the strict licensing requirements including detailed application materials, background investigations, and operational safeguards through the Village's Development

Services Department and fire protection districts are necessary to ensure that only qualified and responsible applicants are permitted to operate such establishments; and

WHEREAS, the Corporate Authorities find it necessary to clearly define the scope of permitted activities within tobacco establishments to prohibit secondary uses commonly associated with increased enforcement concerns; and

WHEREAS, the Corporate Authorities find that it is desirable and in the best interests of the Village and its residents to approve this Ordinance incorporating uniform reference to, and regulation of, electronic cigarettes in a manner consistent with the Act and the Village's existing regulations pertaining to tobacco products, alternative nicotine products, and tobacco establishments.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois:

SECTION 1

Recitals. The above recitals and legislative findings are found to be true and correct and are hereby incorporated herein and made a part hereof, as if fully set forth in this Section 1.

SECTION 2

Title 7 (Business and License) Chapter 15 (Tobacco Products) shall hereby be amended in part (additional language marked in **bold and underline** and deletions marked with ~~strikethrough~~) as reflected and attached hereto as **EXHIBIT "A"**.

SECTION 3

Repeal and Saving Clause. All ordinances, resolutions, motions or other actions in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4

Severability. If any part of this Ordinance is found or determined to be invalid, the invalid portion shall be stricken here from and the remainder shall be in full force and effect.

SECTION 5

Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval as required by law.

SECTION 6

The Village Clerk be and hereby is authorized and directed to publish this Ordinance in pamphlet form.

EXHIBIT A

SECTION _____ 1

~~Amendment to Title 7 (Business and License), Chapter 15 (Tobacco Products) Sections 7-15-1 through 7-15-18 of the Village Code. That Title VII, Chapter 15, Section 7-15-1, entitled "Definitions" of the Village Code is hereby amended as follows (additions in bold and underline, deletions in strikethrough):~~

Title 7 (Business and License) Chapter 15 (Tobacco Products), Sections 7-15-1 to 7-15-18

7-15-1: DEFINITIONS:

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Accessory tobacco sales: A retail establishment ~~in~~for which the sale of ~~other non-tobacco-related and non-alternative nicotine-related products~~ other than tobacco products, electronic cigarettes, and alternative nicotine products is the primary function.

Alternative nicotine product: ~~As defined in the Illinois Compiled Statutes, 720 ILCS 675/1.5, A~~ product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. ~~"Alternative nicotine product" excludes~~ excluding cigarettes, smokeless tobacco, ~~or other tobacco products,~~ electronic cigarettes, and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose, 720 ILCS 675/1.5.

Cigar Lounge: A smoking lounge in which the on-site consumption of cigars and other lawful tobacco products intended to be smoked without the use of a charcoal-heated device is permitted.

Coal Preparation Area: The designated location where coals are ignited, heated, or otherwise prepared for use.

Electronic cigarette: Means (1) any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhaling, (2) any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or (3) any solution or substance, whether or not it contains nicotine intended for use in the device. "Electronic cigarette" includes, but is not limited to, any electronic nicotine delivery system, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, or similar product or device, any components or parts that can be used to build the product or device, and any component, part, or accessory of a device used during the operation of the device, even if the part or accessory was sold separately. "Electronic cigarette" excludes cigarettes, tobacco products and alternative nicotine products, any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose, and any asthma inhaler prescribed by a physician for that condition and is being marketed and sold solely for that approved purpose.

Flavored liquid nicotine products: Any liquid nicotine product that contains a constituent that impacts a characterizing flavor, including but not limited to tastes or aromas of

menthol, mint, wintergreen, chocolate, vanilla, honey, any candy, any desert, any alcoholic beverage, any fruit, herb or spice, but shall not include the taste or aroma of tobacco. The public statement or claim made or disseminated by the manufacturer of a liquid nicotine product, or by any person authorized or permitted by the manufacturer to make such a statement or claim, that the product has or produces a characterizing flavor shall establish that the liquid nicotine product is a flavored liquid nicotine product.

Hookah: A device, including a water pipe, used for smoking hookah tobacco that consists of a tube connected to a chamber where the smoke is cooled passing through water.

Hookah Lounge: A smoking lounge in which the on-site consumption of tobacco products, non-tobacco products, or other similar legal substances is permitted through the use of a hookah or other water-pipe device that utilizes charcoal, coal, or a similar heat source.

Smoking Lounge: An establishment in which the use of tobacco products, non-tobacco products or other similar legal substances is permitted or intended to be permitted on the premises, whether by patrons, members, or employees.

Tobacco store: A retail establishment the primary function of which is the sale of tobacco-related products, electronic cigarettes and/or alternative nicotine products, where the sale of other products is merely incidental.

Vending machine: Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, electronic cigarettes, or alternative nicotine products.

SECTION 2

~~**Amendment to Section 7-15-2 of the Village Code.** That Title VII, Chapter 15, Section 7-15-2, entitled "License Required" of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in strikethrough):~~

7-15-2: LICENSE REQUIRED:

Commencing January 1, 1996, and thereafter 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, electronic cigarettes**, or alternative nicotine products within the Village without having first obtained a tobacco dealer's license therefor pursuant to this Chapter.

Such license shall be in addition to any other license required by the Village.

SECTION 3

~~**Amendment to Section 7-15-4 of the Village Code.** That Title VII, Chapter 15, Section 7-15-4, entitled "Classification of Licenses" of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in strikethrough):~~

7-15-3: LICENSE APPLICATION APPLICATION FOR TOBACCO ESTABLISHMENT BUSINESS LICENSE:

~~—Application for the license required by this Chapter shall be delivered to the Development Services Director or his designee in writing on a form provided for that purpose and accompanied by a nonrefundable \$275.00 application fee and a nonrefundable background check fee. It shall be the duty of the Development Services Department to investigate and consider the application.~~

~~For this purpose the Development Services Department may enlist the aid of the Chief of Police and any other Village officials or employees that he deems necessary to complete the investigation. If the applicant is an individual (sole proprietorship), the application shall contain the business owner's name, residence address, personal email and personal telephone number. If the applicant is a partnership, limited liability company or other non-corporate business entity, the application shall contain the name, residential address, personal email and personal telephone number of each partner, principal manager or member thereof. If the applicant is a corporation, the application shall contain the name, residential address and residential telephone number of each principal officer and the registered agent thereof. If the applicant is an unincorporated association, the application shall contain the name, residential address and residential telephone number of the spokesperson, such as an officer or leader. Each application also shall contain 1) a designation of the type or kind of license desired; 2) the location or proposed location of the place of business, occupation or activity; 3) the number of the certificate of registration required under the Retailer's Occupation Tax Act, Service Occupation Tax Act, and/or Use Tax Act, if applicable; and 4) such additional information as may be needed for the proper guidance of Village officials in the evaluation of such application, including a statement of whether the application is for a new license or a license renewal and whether the applicant has ever been subject to suspension or revocation of a tobacco license in the Village. Upon verification of the information contained in the application, the license shall be issued as appropriate.~~

Every applicant for a license to maintain or operate a tobacco establishment shall file for an application under oath with the Village of Orland Park upon a form provided by the Development Services Department and pay a nonrefundable application fee of \$275.00 and a nonrefundable annual business license fee per Title 7 Chapter 2 of the Village Code. The tobacco establishment license shall expire on December 31 of each year. The application, once accepted, shall also be referred to the Police Department for investigation of the applicant's character and qualification. The Police Department will perform the required criminal record check. Background investigations shall require the submission of fingerprints with the costs, as set by the Chief of Police, of the criminal record check and cost of fingerprint submissions, as set by the Chief of Police, to be borne by the applicant. Each application shall contain the following information:

- (a) A written statement as to the applicant's experience in operating a smoking lounge or a similar business.**
- (b) The location, mailing address, and all telephone number where the business is to be conducted.**
- (c) The name and residence address of each applicant.**
 - (1) If applicant is a corporation or limited liability company, the names and residence addresses of each of the officers and directors of said corporation or company and of each stockholder owning more than ten percent (10%) of the stock of the corporation or company, and the address of the corporation or company itself, if different from the address of the tobacco establishment.**
 - (2) If applicant is a partnership, the names and residence addresses of each of the partners including limited partners, and the address of the partnership itself, if different from the address of the tobacco establishment.**
- (d) Proof that the applicant is at least twenty-five (25) years of age by providing a copy of identification such as driver's license or state identification card.**
- (e) All criminal convictions other than misdemeanor traffic violations, including the dates of convictions, nature of the crimes and place convicted.**

- (f) Any such additional information as may be needed for the proper guidance of Village officials in the evaluation of such application.
- (g) For Class C license applicants:
- (1) Obtain a Special Use Permit to operate a Class C tobacco establishment as provided in the Village of Orland Park's Land Development Code, [Section 5-105](#).
 - (2) Submit to a background check and present themselves for fingerprinting by the Orland Park Police department:
 - a. If applicant is a corporation, fingerprints shall be required of the applicant's local manager or general manager of the establishment.
 - b. If the applicant is a limited liability company, fingerprints shall be required of the local manager or general manager of the establishment.
 - c. If the applicant is a partnership, fingerprints shall be required of the applicant's local manager or general manager of the establishment.
 - d. In the case of a renewal application, only new owners or new local or general managers will be required to submit fingerprints.
 - e. Applicant fingerprints will be kept on file with the Village of Orland Park.
 - f. The fee for each set of fingerprints required by this Chapter shall be in accordance with the current rate for the fingerprint procedure as determined by the Village of Orland Park in its sole discretion.
 - (3) Video Surveillance. Install and provide documentation of a security plan for maintaining the premises, including video surveillance for interior and exterior areas, that is maintained and operated, at all times to ensure a safe and secure environment for patrons and employees as to not result in breaches of the peace or a menace to the health, safety, or welfare of the public.
 - a. All applicants shall agree by signature, sworn to before a valid notary public and attested to thereby, on the application that they shall cooperate fully with the Orland Park Police Department in providing all video digital evidence requested by the Orland Park Police Department regarding any police investigation during the term of any license granted. Denying law enforcement or an inspector entry into the premises is a violation and will carry a fine pursuant to Village ordinance.
 - b. Licensees shall provide any digital evidence within twenty-four (24) hours of the request to the Orland Park Police Department and shall maintain and store video footage for ninety (90) days.
 - c. Licensees shall agree by signature to integrate the exterior security cameras to the Police Department's Axon Fusus platform in order to provide real-time intelligence.
 - (4) HVAC standards. Provide detailed plans of the building's HVAC system, designed and stamped by a professional engineer, with the following minimum requirements:
 - a. Ventilation Requirements
 1. Outdoor Air Supply

The mechanical ventilation system shall provide a minimum of 60 cubic feet per minute (CFM) of outdoor air per occupant.

Authorities may require up to 100 CFM/person where higher dilution is necessary based on occupancy or pollutant load.

CO₂ concentration within the smoking lounge shall not exceed 650 ppm above outdoor levels at any time.

2. Airflow Direction

Airflow shall be maintained from adjacent non smoking spaces into the smoking lounge and exhausted directly outdoors.

Recirculation of air from the smoking lounge to any other space is prohibited.

b. Pressure Control

1. The smoking lounge shall be maintained at a continuous negative pressure of not less than -5 Pascals (Pa) and not more than -15 Pa relative to all adjacent spaces.

2. A differential pressure monitoring device shall be installed, continuously operating, and connected to an audible and visual alarm that activates when pressure rises above -5 Pa.

Entry to the smoking lounge shall be through a two door vestibule with interlocked doors preventing simultaneous opening.

c. Exhaust System

1. The smoking lounge shall be served by a dedicated exhaust system that does not share ductwork with any other space.

2. Exhaust airflow shall exceed supply airflow by 10-20% to maintain required negative pressure.

3. Exhaust discharge shall:

Terminate no less than 25 feet from outdoor air intakes.

Be located no less than 10 feet from property lines, operable windows, or public walkways.

Discharge above roof level and be oriented to prevent re entrainment.

d. Mechanical Exhaust Hood for Coal Heating

1. A listed mechanical exhaust hood system shall be installed over the coal preparation area.

2. The hood shall operate whenever coals are being heated or prepared.

e. Air Cleaning

1. Any recirculated air within the smoking lounge shall pass through:

A HEPA filter with a minimum efficiency of 99.97% at 0.3 microns.

An activated carbon filter or equivalent sorbent media for removal of volatile organic compounds and odors.

2. Air cleaning devices shall not be used as a substitute for required outdoor air ventilation.

f. Room Construction and Isolation

1. The smoking lounge shall be fully enclosed with floor to slab partitions; ceiling plenums shall not be used for return air.

2. Doors shall be self-closing and equipped with perimeter smoke seals.

3. Operable windows are prohibited.

g. Monitoring and Controls

1. The following shall be continuously monitored and logged:

Pressure differential

CO₂ concentration

Particulate matter (PM2.5 and PM10)

2. Alarms shall activate when:

Pressure rises above -5 Pa

CO₂ exceeds 800 ppm

PM2.5 exceeds 35 µg/m³ (24 hour equivalent threshold)

3. Real time readings shall be displayed at the entrance for public visibility.

h. Occupancy Limits

1. Maximum occupancy shall be established based on maintaining minimum ventilation of 60 CFM/person.

2. Occupancy signage shall be posted at the entrance along with real time air quality indicators.

i. Maintenance and Commissioning

1. The HVAC system shall undergo:

Quarterly performance verification by qualified personnel.

Annual third party commissioning to confirm airflow, pressure, and exhaust compliance.

2. Filters shall be replaced at minimum intervals:

Pre filters: monthly

HEPA filters: every 6–12 months

Carbon filters: every 3–6 months, or more frequently as needed.

j. Compliance

1. Failure to maintain required ventilation, pressure, or air quality conditions shall result in immediate suspension of smoking privileges within the lounge until compliance is restored and verified.

k. Building Commissioner Authority to Modify Requirements

1. General Authority

The Building Commissioner shall have the authority to approve modifications to the requirements of this regulation where strict compliance is determined to be impractical, infeasible, or unnecessary to achieve the intended level of environmental protection, provided that the proposed alternative meets or exceeds the equivalent level of health, safety, air quality, and smoke containment established herein.

2. Basis for Modification

A modification may be granted only upon submission of technical documentation, prepared and stamped by a licensed design professional, demonstrating that the alternative design, equipment, or operational method:

Provides equal or greater protection against smoke migration;

Maintains negative pressure, ventilation, and exhaust performance consistent with the intent of these regulations;

Does not increase exposure risk to occupants or adjacent spaces; and

Complies with all applicable mechanical, fire, and building codes.

3. Conditions of Approval

The Building Commissioner may impose conditions, limitations, or monitoring requirements as part of any modification approval, including but not limited to:

Enhanced performance verification

Increased monitoring frequency

Additional filtration or exhaust measures

Operational restrictions or occupancy limits

4.Revocation of Modification

i. Any modification granted under this section may be suspended or revoked by the Building Commissioner upon determination that:

The alternative system fails to perform as represented;

Required monitoring or maintenance is not being performed;

Air quality or pressure requirements are not being maintained; or

Conditions of approval have been violated.

ii. Upon revocation, the operator shall immediately comply with the full prescriptive requirements of this regulation until a new modification is approved.

5. Documentation and Recordkeeping

All approved modifications shall be documented in writing, including the basis for approval and any conditions imposed. Such documentation shall be maintained as part of the permanent building record and made available to the Authority Having Jurisdiction upon request.

- (5) Fire Code Standard. The purpose of this Standard is to establish minimum fire and life safety requirements. These requirements ensure safe handling of burning coals, adequate ventilation, proper occupancy control, and compliance with all applicable fire, mechanical, and building codes.

1. Scope

This Standard applies to all smoking lounges, hookah cafés, and similar occupancies within the jurisdiction. It applies to both new and existing establishments unless otherwise exempted by the Fire Code Official.

2. Coal Handling and Safety

a. Coals shall be prepared only in a listed and/or approved appliance, such as a charcoal grill.

b. When removed from the preparation area, hot coals shall be placed in a ceramic, metal, or other non combustible container.

Open mesh containers are prohibited.

c. Coal containers shall not be placed on combustible surfaces.

d. Tools used to transfer coals shall be made of non combustible materials.

e. When hot coals are transported inside the building, appropriate safety measures shall be used, including escorting the transporter.

f. Disposal of Used Coals

i. Used coals shall be placed in a closed metal or ceramic container with a tight fitting lid, labeled "HOT COALS ONLY."

ii. The container shall be kept:

At least 10 ft from combustible materials and combustible walls, OR

At least 2 ft from walls if placed on a non combustible surface.

iii. Coals must cool for at least 24 hours before final disposal.

3. Hookah Pipe Stability

Hookah pipes shall be securely fastened to prevent overturning. Acceptable methods include clasps, hooks, or other approved securing devices.

4. Decorative Materials

a. All combustible decorative materials—including curtains, tablecloths, wall hangings, and ceiling materials—shall be flame resistant.

b. Certificates of flame resistance shall be maintained on site and include:

Type of flame retardant

Method of application

5. Fire Protection Equipment

a. Install 2A:10BC fire extinguishers in approved locations throughout the lounge.

b. Install a 2A:20BC fire extinguisher adjacent to the coal preparation area.

c. Provide signage indicating extinguisher locations.

6. Enforcement and Inspections

a. The Fire Code Official may conduct inspections at any time to verify compliance.

b. Violations shall be corrected immediately or within a timeframe specified by the Fire Code Official.

c. Failure to comply may result in:

Permit suspension or revocation

Administrative citations

Closure of the establishment

7. Authority of the Fire Code Official

a. The Fire Code Official may:

Require additional safeguards where conditions warrant

Approve alternative methods that provide equivalent fire and life safety
Order immediate correction of hazardous conditions

- (6) **A fully executed indemnification agreement, approved by the Village Attorney, in which the applicant agrees to indemnify and hold harmless the Village, the applicable fire protection district, and their officers, employees, agents, and representatives from any and all damages, injuries, adverse health impacts, liabilities, claims, actions, losses, or lawsuits—including attorney fees and costs—arising from the applicant’s operation of the establishment.**
- (7) **Affidavit. Any establishment seeking to permit on-premises smoking pursuant to the retail tobacco store exemption under the Smoke Free Illinois Act (SFIA) shall demonstrate continued compliance with such exemption, including the annual submission of any affidavit or documentation required by the Illinois Department of Public Health demonstrating that not less than eighty percent (80%) of the establishment’s gross revenue is derived from the sale of tobacco products.**

7-15-4: CLASSIFICATION OF LICENSES:

(a) Class A – Accessory Tobacco Sales. Class A licenses shall authorize the retail sales of tobacco **products, electronic cigarettes,** and/or alternative nicotine products and tobacco-related products ~~in accordance with the definition of accessory tobacco sales contained herein.~~

(b) Class B – Tobacco Store. Class B licenses shall authorize the **store-front** operation of a retail tobacco **products, electronic cigarettes,** ~~and/or~~ alternative nicotine products, **and tobacco-related products.** ~~in accordance with the definition of a tobacco store contained herein.~~

(c) Class C – Smoking Lounges. Class C licenses shall authorize the operations of Cigar and Hookah Lounges as follows:

- (1) **Class C1 – Cigar Lounges. Class C1 licenses shall authorize a free-standing structure for on-premises consumption and retail purchase of cigars for both on and off premises uses to patrons twenty- five (25) years of age and older.**
 - a. **SCOPE: May provide for the service and consumption of alcoholic beverages only if expressly permitted by Village Code and in compliance with all applicable State law.**
 - b. **PROHIBITS: Does not permit the use of hookahs or other water-pipe devices and shall not permit the heating of tobacco or other substances using charcoal, open flame, or similar heat sources, except as may be otherwise authorized by ordinance. Does not permit dancing, live entertainment, or cannabis on the premises.**
- (2) **Class C2 – Hookah Lounges. Class C2 licenses shall authorize a free-standing structure for on-premises consumption of hookah tobacco and retail purchase of hookah products for both on and off premises uses to patrons twenty- five (25) years of age and older.**
 - a. **SCOPE: May provide the service and consumption of hookah tobacco on the premises and retail purchases of hookah products, subject to all applicable Village and State regulations, including compliance requirements enforced by the Village of Orland Park Fire Protection District and Building Department.**

- b. **PROHIBITS: Does not permit the sale or service of alcoholic beverages or consumption of food. Does not permit cannabis, cannabis products, or any controlled substances and/or THC/CBD derived products on the premise. Does not permit outdoor smoking by any means. Does not permit dancing or live entertainment.**

(d) Class D – Vending. Class D licenses shall authorize the sale of tobacco products, electronic cigarettes, and/or alternative nicotine products only by vending machine.

SECTION 4—

Amendment to Section 7-15-5 of the Village Code. That Title VII, Chapter 15, Section 7-15-5, entitled “~~Limitation on Number of Licenses~~” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

7-15-5: LIMITATION ON NUMBER OF LICENSES:

No more than twenty-five (25) Class A tobacco licenses shall be issued and in force at any one time. Not more than four (4) Class B tobacco licenses shall be issued and in force at any one time. **Not more than zero (0) Class C tobacco licenses shall be issued and in force at any one time. Not more than zero (0) Class D tobacco licenses shall be issued and in force at any one time. License caps may be changed by ordinance upon Village Board findings that an applicant has demonstrated full compliance with Chapter 15 application, and Orland Park Fire Protection District and Building requirements.**

7-15-6: LICENSE FEE; EXPIRATION: ISSUANCE OF TOBACCO LICENSE.

~~The license fee for a tobacco dealer’s license shall be seventy-five dollars (\$75.00). Each tobacco dealer’s license shall expire on December 31 of each year.~~

- (a) **The Village of Orland Park shall act to approve or deny an application for a license under this Chapter within a reasonable period of time. Every license issued pursuant to this Chapter will terminate at the end of the calendar year unless sooner suspended or revoked.**
- (b) **The Village of Orland Park may issue a business license if all requirements described in this ordinance are met unless it finds:**
 - (1) **The correct license fee or other fees or fines owed to the Village have not been tendered to the Village, and in the case of a check, or bank draft, honored with payment upon presentation.**
 - (2) **The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws, including, but not limited to, the Village’s building, zoning, and health regulations.**
 - (3) **If the applicant, and any person involved in the license as deemed necessary by the Village, in the last five (5) years to the date of the application, has been convicted of any of the following offenses or convicted of an offense within the State of Illinois that would have constitute any of the following offenses if committed within the State of Illinois:**
 - a. **An offense involving the use of force and violence upon the person of another that amounts to a felony.**
 - b. **An offense involving sexual misconduct.**
 - c. **An offense involving narcotics, dangerous drugs or dangerous weapons that amount to a felony.**

- (4) The applicant has knowingly made any false, misleading, or fraudulent statements of fact or failed to disclose required information or a fact in the license application of in any document required by the Village in conjunction therewith.
- (5) The applicant will not follow or does not meet the guidelines as set forth in this Chapter by the Orland Park Fire Protection District.

SECTION 5—

Amendment to Section 7-15-7 of the Village Code. That Title VII, Chapter 15, Section 7-15-7, entitled “~~Prohibited Sales, Delivery – Signs~~” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

7-15-7: PROHIBITED SALES, DELIVERY - SIGNS:

(a) It shall be unlawful for any person, including a licensee, to sell, offer for sale, give away or deliver tobacco **products, electronic cigarettes,** or alternative nicotine products to any person under the age of twenty-one (21) years.

(b) Signs informing the public of the age restriction provided for herein shall be posted by every licensee at or near every display of tobacco **products, electronic cigarettes,** or alternative nicotine products and on or upon every vending machine which offers tobacco **products, electronic cigarettes,** or alternative nicotine products for sale. Each such sign shall be plainly visible and shall state:

“THE SALE OF TOBACCO **PRODUCTS, ELECTRONIC CIGARETTES,** OR ALTERNATIVE NICOTINE PRODUCTS TO PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE IS PROHIBITED BY LAW.”

The text of such signs shall be in red letters on a white background, sale letters to be at least one inch (1”) high.

(c) Every licensee or any officer, associate, member, representative, agent or employee of such licensee shall refuse to sell, deliver or give tobacco **products, electronic cigarettes,** or alternative nicotine products to any person who is unable to produce adequate written evidence of identity and of the fact that he or she is twenty-one (21) years of age or older. “Adequate written evidence” shall be a document issued by a federal, state, county or municipal government or subdivision or agency thereof, including but not limited to a motor vehicle operator’s license or an identification card issued to a member of the Armed Forces.

(d) It shall be unlawful for any licensee to sell, offer for sale, give away or deliver any tobacco product, **electronic cigarette, or alternative nicotine product** in violation of any state, county or municipal law or ordinance imposing any ~~tobacco product~~ **applicable** excise tax.

(e) It shall be unlawful for any licensee to sell, offer for sale, give away or deliver any flavored liquid nicotine product.

SECTION 6—

Amendment to Section 7-15-8 of the Village Code. That Title VII, Chapter 15, Section 7-15-8, entitled “~~Minimum Age to Sell Tobacco or Alternative Nicotine Products~~” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in ~~strikethrough~~):

7-15-8: MINIMUM AGE TO SELL TOBACCO PRODUCTS, ELECTRONIC CIGARETTES, OR ALTERNATIVE NICOTINE PRODUCTS:

It shall be unlawful for any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under twenty-one (21) years of age to sell tobacco products, electronic cigarettes, or alternative nicotine products in any licensed premises.

SECTION 7—

Amendment to Section 7-15-9 of the Village Code. That Title VII, Chapter 15, Section 7-15-9, entitled “Purchase by Persons Under Age 21 Prohibited” of the Village Code is hereby amended as follows (additions in bold and underline, deletions in strikethrough):

7-15-9: PURCHASE BY PERSONS UNDER AGE 21 PROHIBITED:

It shall be unlawful for any person under the age of twenty-one (21) to purchase tobacco products, electronic cigarettes, or alternative nicotine products, or to misrepresent his or her identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, electronic cigarettes, or alternative nicotine products.

SECTION 8—

Amendment to Section 7-15-10 of the Village Code. That Title VII, Chapter 15, Section 7-15-10, entitled “Possession by Persons Under Age 21 Prohibited” of the Village Code is hereby amended as follows (additions in bold and underline, deletions in strikethrough):

7-15-10: POSSESSION BY PERSONS UNDER AGE 21 PROHIBITED:

It shall be unlawful for any person under the age of twenty-one (21) years to possess tobacco products, electronic cigarettes, or alternative nicotine products; provided that possession by a person under the age of twenty-one (21) years under the direct supervision of the parent or guardian of such person in the privacy of the parent’s or guardian’s home shall not be prohibited.

SECTION 9—

Amendment to Section 7-15-11 of the Village Code. That Title VII, Chapter 15, Section 7-15-11, entitled “Proximity to Certain Institutions” of the Village Code is hereby amended as follows (additions in bold and underline, deletions in strikethrough):

7-15-11: PROXIMITY TO CERTAIN INSTITUTIONS:

(a) A tobacco establishment with a valid Class A or B license, it shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products, electronic cigarettes, or alternative nicotine products within one hundred feet (100’) of any school, child care facility, library or business that provides any education or recreational programs for persons under the age of eighteen (18) years (i.e. tutoring, dance classes, athletic training, etc.). In the case that tobacco product, electronic cigarette, and alternative nicotine product retailers or distributors are greater than one hundred feet (100’), apart due to public right-of-way width, said retailers or distributors shall not occupy any storefront that faces the institution.

(b) Tobacco product, electronic cigarette, or alternative nicotine product retailers and distributors whose primary business is the retail sale or distribution of tobacco products, electronic cigarettes,

~~or alternative nicotine products~~ **A tobacco establishment with a valid Class B license shall not be permitted to be located any closer than the following distances from the listed uses:**

~~(1) Tobacco store: as measured from the property lines of the lots or parcels on which the business locations are situated shall not be located within one thousand feet (1,000') of another, such licensed tobacco product, electronic cigarette, or alternative nicotine product retailer or distributor. This minimum distance requirement shall not apply to those retailers or distributors that engage in the sale or distribution of tobacco products, electronic cigarettes, or alternative nicotine products only incidental to the primary business of the retailer or distributor.~~ **accessory tobacco sales with a valid Class A license.**

~~(2) Tobacco product, electronic cigarette, or alternative nicotine product retailers and distributors whose primary business is the retail sale or distribution of tobacco products, electronic cigarettes, or alternative nicotine products shall not be located~~ **Any type of child specific services or programs:** on the same property, or within the same contiguous commercial center, ~~as any business that provides any type of child specific services or programs.~~

(c) A tobacco establishment with a Valid Class C license shall not be permitted to be located any closer than the following distances from the listed uses:

(1) Residential zoning districts: as measured from the property lines of the lots or parcels within five hundred (500') feet.

(2) Religious institutions: as measured from the property lines of the lots or parcels within five hundred (500') feet.

(3) Any school, childcare facility, library or business that provides any education or recreational programs for persons under the age of eighteen (18) years (i.e. tutoring, dance classes, athletic training, etc.): as measured from the property lines of the lots or parcels within five hundred (500') feet

(4) Park or recreation facility operated by the Village: as measured from the property lines of the lots or parcels within five hundred (500') feet.

(5) Another free-standing Smoking Lounge: as measured from the property lines of the lots or parcels within five hundred (500') feet.

SECTION 10

Amendment to Section 7-15-12 of the Village Code. That Title VII, Chapter 15, Section 7-15-12, entitled "Certain Free Distributions Prohibited" of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in strikethrough):

7-15-12: CERTAIN FREE DISTRIBUTIONS PROHIBITED:

It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco **products, electronic cigarettes,** or alternative nicotine products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco **products, electronic**

cigarettes, or alternative nicotine products free of charge to any person on any right-of-way, park, playground or other property owned by the Village, any school district, or any public library.

SECTION 11

Amendment to Section 7-15-13 of the Village Code. That Title VII, Chapter 15, Section 7-15-13, entitled “Vending Machines – Locking Devices” of the Village Code is hereby amended as follows (additions in bold and underline, deletions in strikethrough):

7-15-13: VENDING MACHINES – LOCKING DEVICES:

- (a) It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products, electronic cigarettes, or alternative nicotine products by use of a vending machine, unless such licensee has obtained a Class D tobacco license. No tobacco products, electronic cigarettes, or alternative nicotine products shall be placed together in a vending machine with any non-tobacco products, except for matches.
- (b) All vending machine-~~iss~~ used to sell, give way, or deliver tobacco products, electronic cigarettes, or alternative nicotine products must be equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of twenty-one (21) years, except that vending machines delivering tobacco products, electronic cigarettes, or alternative nicotine products currently (on the effective date of this Code Amendment) in use in Village establishments shall not be required to have locking devices installed if they are placed in a conspicuous location at which they can be monitored by adult employees of the establishment.
- (c) Each vending machine not equipped with a manual, electric or electronic locking device delivering tobacco products, electronic cigarettes, or alternative nicotine products in use in the Village on April 5, 1997, shall, however, be equipped with a manual, electric or electronic locking device as described herein at such time as the machine is remodeled, upgraded or substantially changed or altered.

SECTION 12

Amendment to Section 7-15-17 of the Village Code. That Title VII, Chapter 15, Section 7-15-17, entitled “Violation with Respect to Sale Without License” of the Village Code is hereby amended as follows (additions in bold and underline, deletions in strikethrough):

7-15-17: VIOLATION WITH RESPECT TO SALE WITHOUT LICENSE:

Each violation with respect to the sale, giving away, delivering or keeping with the intention of selling, giving away or delivering tobacco products, electronic cigarettes, or alternative nicotine products within the Village without first having obtained a tobacco dealer’s license therefore as provided in this Chapter shall be punishable by a fine in accordance with the fine schedule located in Appendix B for each offense of which such person shall be convicted. Each day on which a violation continues shall constitute a separate violation.

SECTION 13

~~**Amendment to Section 7-15-18 of the Village Code.** That Title VII, Chapter 15, Section 7-15-18, entitled “Violation with Respect to Possession or Purchase” of the Village Code is hereby amended as follows (additions in **bold and underline**, deletions in strikethrough):~~

7-15-18: VIOLATION WITH RESPECT TO POSSESSION OR PURCHASE:

Each violation with respect to possession and/or purchase of tobacco **products, electronic cigarettes,** or alternative nicotine products by a person under twenty-one (21) years of age shall be punishable upon conviction by a fine in accordance with the fine schedule located in Appendix B for such offense.