

**ORDINANCE NO. CO-2022-23**

**AN ORDINANCE AMENDING CHAPTERS 116 (TOBACCO), 117 (ALCOHOLIC BEVERAGES) AND 129 (CANNABIS BUSINESS ESTABLISHMENTS) OF THE MAYWOOD VILLAGE CODE AND ADDING CHAPTER 129(B) (JOINT COMMISSION FOR TOBACCO & CANNABIS REGULATION AND LICENSING) TO CREATE A JOINT COMMISSION FOR TOBACCO & CANNABIS REGULATION AND LICENSING**

**WHEREAS**, the Village of Maywood (the “Village”) is a home rule unit pursuant to the provisions of Article VII (Local Government), Section 6 (Powers of Home Rule Units) of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

**WHEREAS**, the Village President and Board of Trustees have previously enacted Chapter 116 (Tobacco), Chapter 117 (Liquor) and Chapter 129 (Cannabis Business Establishments) of the Maywood Village Code relative to the sale and regulation of tobacco, liquor, and cannabis, respectively; and

**WHEREAS**, Section 4 of the Illinois Liquor Control Act of 1934 (235 ILCS 5/4) gives municipalities the power to govern licenses for the sale of alcoholic liquor at retail within their political subdivision, and Section 4-2 of the Illinois Liquor Control Act of 1934 (235 ILCS (5/4-2) designates the mayor or president of the board of trustees of each municipality the local liquor control commissioner, charges such commissioner with the administration of such Act within their respective jurisdictions, and also provides authority for the creation of a Local Liquor Commission to assist the Liquor Commissioner in the exercise of his or her duties; and

**WHEREAS**, Section 11-20-3 of the Illinois Municipal Code (65 ILCS 5/11-20-3) grants municipalities all powers necessary to regulate tobacco; and

**WHEREAS**, the Cannabis Regulation and Tax Act (410 ILCS 705/) sets out regulations governing the use and regulation of cannabis in the state of Illinois; and

**WHEREAS**, the President and Board of Trustees of the Village of Maywood desire to make certain amendments to Chapter 116 (Tobacco), Chapter 117 (Alcoholic Beverages) and Chapter 129 (Cannabis Business Establishments) of Title XI (Business Regulations) of the Maywood Village Code, and to add a Chapter 129(B) (Joint Commission for Tobacco & Cannabis Regulation and Licensing) to Title XI (Business Regulations) of the Maywood Village Code to create a Joint Commission for Tobacco & Cannabis Licensing and Regulation (the “Code Amendments”); and

**WHEREAS**, at a **October 24, 2022** public meeting, the Ordinance and Policy Committee reviewed the proposed Code Amendments and received input from Village staff and provided an opportunity for input from the public, and then favorably recommended the Code Amendments to the President and Board of Trustees of the Village; and

**WHEREAS**, pursuant to its home rule authority granted under Article VII (Local Government), Section 6 (Powers of Home Rule Units) of the Illinois Constitution of 1970, and the authority granted under the applicable provisions of the Illinois Municipal Code (65 ILCS 5/), the Illinois Liquor Control Act of 1934 (235 ILCS 5/) and the Cannabis Regulation and Tax Act (410 ILCS 705/), the Village President and

Board of Trustees adopt the Code Amendments set forth below and find that doing so is in the best interests of the Village, the Village residents, business owners, property owners and the public.

**BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:**

**SECTION 1:** Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

**SECTION 2:** Sections 116.03 (License Required), 116.04 (License Application), 116.12 (Enforcement; Administration) and 116.99(H) (Penalty) of Chapter 116 (Tobacco) of Title XI (Business Regulations) of the Maywood Village Code are amended to read in their entirety as follows (new text is marked with underlining; deletions to existing text marked using ~~strikethrough~~):

**“§ 116.03 LICENSE REQUIRED.**

(A) License. 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 within the Village without having first obtained a tobacco dealer's license therefor pursuant to this chapter and § 111.31(A).

(B) License—point of sale. A separate license must be obtained for each point of sale maintained by the retailer. The license to sell tobacco products shall be displayed prominently at the point of sale for which it is issued. A license to sell tobacco products is a privilege, not a property right, and the issuance or renewal of such a license is within the discretion of the ~~Village Manager~~Commissioner of Tobacco & Cannabis Regulation based on the criteria of the public health, welfare and safety of the Village, its residents and the public. Such license shall be in addition to any other license required by this Code.

(C) License—administration. The Building and Code Enforcement Department, along with the Joint Commission for Tobacco & Cannabis Regulation and Licensing shall administer the licensing of retailers of tobacco products and shall recommend to the ~~Village Manager~~Commissioner of Tobacco & Cannabis Regulation approval or denial of all applications for licenses, as prescribed in Chapter 129(B) of this Code. Applications for renewals need not be reviewed by the Joint Commission for Tobacco & Cannabis Regulation and Licensing.

(D) License—transfer prohibited. The transfer of any license issued under this chapter is prohibited. Any such purported transfer is void.

(E) Duration. A license issued pursuant to this chapter shall be valid from the first day of each year and shall expire on December 31 following the date of issuance, unless suspended or revoked.

**§ 116.04 LICENSE APPLICATION.**

(A) Application. An application for a tobacco retailer's license hereunder shall be made in writing to the Director of the Building and Code Enforcement Department on a form provided by the Village and shall be processed in accordance with provisions of this chapter and the provisions of Chapter 110 (Business Licenses). When found to be complete, the application shall be forwarded to the

Joint Commission for Tobacco & Cannabis Regulation and Licensing for review and consideration and a recommendation to the Commissioner of Tobacco & Cannabis Regulation. In the event of a conflict between the licensing procedure set forth in this chapter and the procedure set forth in Chapter 110, the provisions of this chapter shall prevail.

(B) ~~An application for a tobacco retailer's license shall be filed in writing with the Building and Code Enforcement Department on a form provided by the Department.~~ Each application for a license shall contain, at a minimum, the following:

(1) The applicant's full name, the address and telephone number where the applicant is engaged in the business of the retail sale of tobacco products and the name, address and telephone number of the person authorized to receive notices issued pursuant to this chapter.

(2) If the applicant is a corporation or a limited liability company: the legal corporate or company name; the business or "assumed" name; the address and telephone number of the principal place of business; the date and state of incorporation or organization; the names of all officers, directors, shareholders and members; and the name, address, and telephone number of the person authorized to receive notices issued pursuant to this chapter.

(3) If the applicant is a partnership: the name, address and telephone number of the principal place of business; the names of all partners; and the name, address and telephone number of a person authorized to receive notices issued pursuant to the chapter.

(4) If the applicant is incorporated or organized in the State of Illinois or in a state other than the State of Illinois, they must provide to the Village the document pursuant to which the company is qualified under Illinois law to transact business in Illinois and further provide a copy of the articles of incorporation and shareholders agreement, or the articles of organization and operating agreement, or a partnership agreement.

#### **§ 116.12 ENFORCEMENT; ADMINISTRATION.**

(A) Duties of Building and Code Enforcement Department and Joint Commission for Tobacco & Cannabis Regulation and Licensing.

(1) The Building and Code Enforcement Department and Joint Commission for Tobacco & Cannabis, created under Chapter 129(B) of this Code, acting in conjunction with the Village Manager, and the Police Department, shall be responsible for the enforcement and administration of this chapter.

(2) The Building and Code Enforcement Department and the Police Department shall conduct random, unannounced inspections at locations where tobacco products are sold to ensure compliance with this chapter and with state law. Furthermore, it shall be the duty of all persons licensed to sell cigarettes at retail within the Village, upon the demand of the Director of Community Development to furnish for inspection samples of all cigarettes sold or offered for sale by them, which samples of cigarettes shall be analyzed by or under the direction of the director, and a record of such analysis shall be made and kept in their office for the inspection by the public.

(3) The ~~Building and Code Enforcement Department~~ Joint Commission for Tobacco & Cannabis Regulation and Licensing shall promulgate reasonable rules and regulations consistent with this chapter to provide for the enforcement and administration of this Chapter. The rules and regulations shall establish procedures for administrative action against those who violate the chapter and for a method of administrative adjudication of the violation or violations.

(4) Any rules or regulations promulgated under this chapter shall be filed in the Building and Code Enforcement Departments' principal office and with the Village Clerk. A copy of said rules and regulations shall be made available for public inspection upon request ~~and payment of a reasonable fee as determined by the Building and Code Enforcement Department.~~

**§ 116.99 PENALTY.**

(A) Any person who violates § 116.10 shall be fined not less than \$50 nor more than \$750 for each such offense.

(B) The ~~Village President~~Commissioner of Tobacco and Cannabis, or his or her designee, may suspend or revoke any license issued under the provisions of this chapter, if he or she determines that the licensee has violated any of the provisions of this chapter or other related provisions of the Maywood Code. In lieu of suspension or revocation of a license or in addition to such penalties, the ~~Village President~~Commissioner of Tobacco and Cannabis, or his or her designee, may levy a fine on the licensee. The fines imposed shall be in accordance with the fine schedule set forth below for each violation. Each day on which a violation continues shall constitute a separate violation. Penalties and fines imposed shall include, but do not have to be limited to, the following:

- (1) For a first violation, an administrative penalty/fine of \$1,000;
- (2) For a second violation, occurring after a final determination of liability for a first violation, and within a 12-month period of the first violation, an administrative penalty/fine of \$2,000 and a suspension of the license of the retail tobacco dealer for 30 days; and
- (3) For a third violation, occurring after a final determination of liability for a second violation and within a 12-month period of the second violation, an administrative penalty/fine of \$3,000 and a revocation of the license of the retail tobacco dealer for 1 year.

(C) No such license shall be suspended or revoked and no licensee shall be fined except after notice and a hearing by the ~~Village President~~Commissioner of Tobacco and Cannabis, or his or her designee, conducted in conformance with § 110.17. ~~At the discretion of the Commissioner of Tobacco and Cannabis, the hearing may be conducted before the Commission of Tobacco and Cannabis Regulation and Licensing, who shall provide an advisory opinion on the matter to the Commissioner.~~

(D) The ~~Village President~~Commissioner of Tobacco and Cannabis, or his or her designee, shall, within 7 business days after such hearing, if he or she determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order and further state the amount of the fine, the period of suspension or that the license has been revoked. An executed copy of such order shall be served by the Village within 7 calendar days upon the licensee.

(E) Any licensee determined by the ~~Village President~~Commissioner of Tobacco and Cannabis, or his or her designee, to have violated any of the provisions of this chapter shall pay to the Village the costs of the hearing on such violation. The ~~Village President~~Commissioner of Tobacco and Cannabis or his or her designee shall determine the costs incurred by the Village for said hearing, including, but not limited to: court reporters, fees, the costs of the transcripts or records, attorneys' fees, the cost of preparing and mailing notices and orders, any and all additional fines imposed and all other miscellaneous expenses incurred by the Village or such lesser sum as the ~~Village President~~Commissioner of Tobacco and Cannabis or his or her designee may allow.

(F) The licensee shall pay the costs to the Village within 30 days of notification of the costs by the ~~Village President~~Commissioner of Tobacco and Cannabis, or his or her designee. Failure to pay the costs within 30 days of notification is a violation of this chapter and may be cause of license suspension or revocation, or the levy of a fine.

(G) Any retailer, or owner(s) of the retailer, whose license is revoked for violating any of the provisions of this chapter shall be prohibited from applying for a tobacco retailer's license for a 1-year period from the date of the revocation order.

(H) In addition to imposing the fines and other penalties provided by this chapter, the Joint Commission for Tobacco & Cannabis Regulation and Licensing, Building and Code Enforcement Department or Village Manager may initiate and/or file legal or administrative action against any licensee for an injunction requiring compliance with the provisions of this chapter or for such order as the court may deem necessary or appropriate to secure such compliance.

(I) A person may seek a writ of certiorari from the Chancery Division of the Circuit Court of Cook County according to applicable law, appealing any final determination of liability or decision of the ~~Village President~~Commissioner of Tobacco and Cannabis or his or her designee under this chapter."

**SECTION 3:** Sections 117.02 (Local Liquor Control Commissioner) and 117.03 (Local Liquor Control Commission) of Chapter 117 (Alcoholic Beverages) of Title XI (Business Regulations) of the Maywood Village Code are amended to add new subsections (G) and (D) respectively, to read in their entirety as follows (new text is marked with underlining; deletions to existing text marked using ~~strikethrough~~):

**"§ 117.02 LOCAL LIQUOR CONTROL COMMISSIONER.**

\*\*\*

(G) Commissioner of the Joint Commission for Tobacco & Cannabis Regulation and Licensing. The Local Liquor Control Commissioner shall also serve as the Tobacco and Cannabis Commissioner and as chair of the Joint Commission for Tobacco & Cannabis Regulation and Licensing as prescribed under Chapter 129(B)02 of this Code and shall have and exercise such duties and powers granted him or her under the same.

**"§ 117.03 LOCAL LIQUOR CONTROL COMMISSION.**

\*\*\*

(D) Joint Commission for Tobacco & Cannabis Regulation and Licensing. The members of the Local Liquor Control Commission shall also serve as the members of the Joint Commission for Tobacco & Cannabis Regulation and Licensing as prescribed under Chapter 129(B)01 of this Code and shall have and exercise such duties and powers granted it under the same."

**SECTION 4:** Chapter 129 (Cannabis Business Establishments) of Title XI (Business Regulations) of the Maywood Village Code is amended by renumbering the chapter and all Section references as Chapter 129(A), by amending Section 129.06 (Compliance with Other Regulations) (now Section 129A.06) and by adding a new Section 129A.12 (Enforcement), to read in its entirety as follows (new text is marked with underlining; deletions to existing text marked using ~~strikethrough~~):

**"CHAPTER 129(A): CANNABIS BUSINESS REGULATIONS**

\*\*\*

**§ 129(A).06 COMPLIANCE WITH OTHER REGULATIONS.**

(A) All licensed premises shall be maintained in full compliance with all other regulations of the State, the Cannabis Regulation and Tax Act, the Compassionate Use of Medical Cannabis Program Act and the Village, including, but not limited to, those relating to the storage or sale of food, sanitary conditions, building and safety conditions.

(B) Applicants seeking to open a cannabis business establishment facility shall provide the village Joint Commission for Tobacco & Cannabis Regulation and Licensing with proof of state licensing approval prior to the issuance by the village of a special use permit. Persons operating a cannabis business establishment shall annually provide to the village Joint Commission for Tobacco & Cannabis Regulation and Licensing all state inspection reports and other information necessary to verify ongoing compliance with state and village requirements. Applicants shall, after commencing operations, provide to the village Joint Commission for Tobacco & Cannabis Regulation and Licensing, within 7 days of receipt, copies of any notices, citations or other enforcement actions undertaken against the facility by the state, along with an explanation as to what steps are being taken by the applicant to bring the facility back into compliance.

(C) Cooperation with village. Cannabis business establishments and property owners, where such cannabis business establishments are located, shall provide access to village police, fire, and code enforcement personnel and the Joint Commission for Tobacco & Cannabis Regulation and Licensing during periods when employees are present to verify compliance with this chapter and other village ordinances. Cannabis business establishments and property owners, where such cannabis business establishments are located, shall cooperate with the village police, fire, and code enforcement personnel and the Joint Commission for Tobacco & Cannabis Regulation and Licensing in the provision of security footage when requested, and in any related prosecution of any persons who violate state law or local ordinances within a cannabis business establishment and on properties where such organizations are located.

(D) All cannabis business establishments shall register with the village pursuant to § 110.18 of the village code.

\*\*\*

**§129(A)12 ENFORCEMENT.**

(A) The Building and Code Enforcement Department and Joint Commission for Tobacco & Cannabis Regulation and Licensing created under Chapter 129B of this Code, acting in conjunction with the Village Manager and the Police Department, shall be responsible for the enforcement of this Chapter.

(B) The Building and Code Enforcement Department and the Police Department shall conduct random, unannounced inspection at cannabis business establishments to ensure compliance with this chapter and state law.

(C) The Joint Commission for Tobacco & Cannabis, along with the Village Manager and Police Department, shall promulgate reasonable rules and regulations consistent with this chapter to provide for the enforcement of this chapter. The rules and regulations shall establish procedures for administrative action against those who violate the chapter and for a method of administrative adjudication of the violation or violations.

(D) Any such rules and regulations promulgated under this chapter shall be filed in the Building and Code Enforcement Department's principal office and with the Village Clerk. A copy of said rules and regulations shall be made available for public inspection upon request."

**SECTION 5:** Title XI (Business Regulations) of the Maywood Village Code is amended to add a new Chapter 129(B) to read in its entirety as follows (new text is marked with underlining; deletions to existing text marked using ~~strikethrough~~):

**“Chapter 129(B): JOINT COMMISSION FOR TOBACCO & CANNABIS REGULATION AND LICENSING**

**§129(B).01 JOINT COMMISSION FOR TOBACCO & CANNABIS REGULATION AND LICENSING**

(A) Created/membership. There is created a Joint Commission for Tobacco & Cannabis Regulation and Licensing. The members of the Local Liquor Control Commission shall also serve as the members of the Joint Commission for Tobacco & Cannabis Regulation and Licensing. Appointments and terms will be as prescribed under §117.03 of this Code.

(B) Chairperson. The Commissioner for the Joint Commission for Tobacco & Cannabis Regulation and Licensing shall act as chairperson for the purpose of presiding over meetings conducted by the Commission.

(C) Powers and duties. The Joint Commission for Tobacco & Cannabis Regulation and Licensing shall have and exercise the following duties as directed by the Commissioner of the Joint Commission for Tobacco & Cannabis Regulation and Licensing:

1. To review applications and the investigation of applicants for tobacco licenses, and to submit findings and recommendations to the Commissioner on applications and related matters either through an oral vote or by setting forth in writing its conclusions regarding such applications;
2. To perform its duties as prescribed under §129(A)12;
3. To participate on an advisory
3. To keep written records of its meetings and proceedings which shall be open for public inspection in accordance with the Freedom of Information Act; and
4. Such other duties as determined by the Commissioner or the Board of Trustees.”

**§129(B).02 COMMISSIONER OF THE JOINT COMMISSION FOR TOBACCO & CANNABIS**

(A) Designation. The Local Liquor Control Commissioner, as appointed pursuant to §117.02 of this Code, shall also serve as the Commissioner for the Joint Commission for Tobacco & Cannabis Regulation and Licensing, for and on behalf of the Village.

(B) Functions. The Commissioner shall be responsible for overseeing the administration and enforcement of the Village’s regulations regarding tobacco and cannabis as provided in Chapters 116 (Tobacco) and 129(A) (Cannabis Business Establishments).

(C) Powers and duties. The Commissioner for the Joint Commission for Tobacco & Cannabis shall have and exercise all the powers and duties necessary to administer and enforce the Village’s

regulations regarding tobacco and cannabis as prescribed in Chapters 116 (Tobacco) and 129(A) (Cannabis Business Establishments), including but not limited to the Village’s tobacco licensing program.

(D) Records. The Village Clerk shall keep or cause to be kept a complete record of all licenses issued by the Commissioner of the Joint Commission for Tobacco & Cannabis under this chapter and shall furnish the Chief of Police and Building Director with a copy. Upon the issuance of any new license, or the revocation of any old license, the Clerk shall give written notice of such action to the Chief of Police and Building Director within 48 hours of being notified by the Commissioner of such action. The Village Clerk shall act as custodian of all records for the Commissioner of the Joint Commission for Tobacco & Cannabis and shall keep a record of all proceedings, transactions, communications and official acts of the Commissioner, and shall perform such other duties as he or she may prescribe.

**SECTION 6:** To the extent necessary, all tables of contents, indexes, headings, and internal references or cross-references to sections that need to be amended or deleted within the Maywood Code of Ordinances, as amended, as a consequence of the above Code Amendments, shall be amended by the Village’s codifier so as to be consistent with the terms of this Ordinance.

**SECTION 7:** All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

**SECTION 8:** Each section, paragraph, clause and provision of this Ordinance is severable and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

**SECTION 9:** Except as to the Code amendments set forth above in this Ordinance, all Chapters and Sections of the Maywood Village Code, as amended, shall remain in full force and effect.

**SECTION 10:** This Ordinance shall be in full force and effect immediately upon its passage, approval and publication as required by law.

**ADOPTED** this 1st day of November, 2022, pursuant to a roll call vote as follows:

**AYES:** Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Lightford, A. Peppers and I. Brandon

**NAYS:** None

**ABSENT:** Trustee M. Jones

**APPROVED** by me this 1st day of November, 2022 and attested by the Village Clerk that same day.

\_\_\_\_\_  
Nathaniel George Booker, Village President

**ATTEST:**

\_\_\_\_\_  
Gwaine Dianne Williams, Village Clerk



Published by me in pamphlet form this 2<sup>nd</sup> day of November, 2022.

---

Gwaine Dianne Williams, Village Clerk

STATE OF ILLINOIS     )  
                                  ) SS  
COUNTY OF COOK     )

**CLERK'S CERTIFICATE**

I, Gwaine Dianne Williams, Clerk of the Village of Maywood, in the County of Cook and State of Illinois, certify that the attached document is a true and correct copy of that certain Ordinance now on file in my Office, entitled:

**ORDINANCE NO. CO-2022-23**

**AN ORDINANCE AMENDING CHAPTERS 116 (TOBACCO), 117 (ALCOHOLIC BEVERAGES) AND 129 (CANNABIS BUSINESS ESTABLISHMENTS) OF THE MAYWOOD VILLAGE CODE AND ADDING CHAPTER 129(B) (JOINT COMMISSION FOR TOBACCO & CANNABIS REGULATION AND LICENSING) TO CREATE A JOINT COMMISSION FOR TOBACCO & CANNABIS REGULATION AND LICENSING**

which Ordinance was passed by a roll call vote of the Board of Trustees of the Village of Maywood at a Special Village Board Meeting on the 1st day of November, 2022, at which meeting a quorum was present, and approved by the President of the Village of Maywood on the 1st day of November, 2022.

I further certify that the vote on the question of the passage of said Ordinance by the Board of Trustees of the Village of Maywood was taken by Ayes and Nays and recorded in the minutes of the Board of Trustees of the Village of Maywood, and that the result of said vote was as follows, to-wit:

**AYES:** Mayor Booker, Trustee(s) A. Sanchez, S. Reyes-Plummer, M. Lightford, A. Peppers and I. Brandon

**NAYS:** None

**ABSENT:** Trustee M. Jones

I do further certify that the original Ordinance, of which the foregoing is a true copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of the same.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Village of Maywood, this 2<sup>nd</sup> day of November, 2022.

\_\_\_\_\_  
Gwaine Dianne Williams, Village Clerk

[SEAL]