

ORDINANCE NO. 26-_____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL),
SECTION 9 (VIOLATION, NONRENEWAL, SUSPENSION, REVOCATION OF LICENSES
AND PERMITS, HEARING PROCESS), SECTION 10 (PENALTY),
AND SECTION 14 (PROHIBITED ACTS AND CONDITIONS)
OF THE NAPERVILLE MUNICIPAL CODE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 9 (Violation, Nonrenewal, Suspension, Revocation of Licenses and Permits, Hearing Process) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

3-3-9: VIOLATION, NONRENEWAL, SUSPENSION, REVOCATION OF LICENSES AND PERMITS, HEARING PROCESS:

1. Disciplinary Action: The local Liquor and Tobacco Control Commissioner may impose a fine and/or suspend, revoke or not refuse to renew any local retail liquor or tobacco license issued by them, or suspend, revoke, or not renew any permit issued by them as part of the local retail liquor license if the local Liquor and Tobacco Control Commissioner determines that the licensee has engaged in the following conduct: ~~violated any of the following provisions:~~

1.1. The licensee ~~has~~ violated, allowed or permitted a violation of any of the provisions of this Chapter, rules or regulations established by the local Liquor and Tobacco Control Commissioner, the State Commission, ~~S~~state or ~~F~~federal law, or any ~~ordinance of the City ordinance as it pertains relating to the sale of alcoholic liquor or tobacco and/or alternative nicotine products or as it affectings~~ the public health, safety and welfare.

1.2. The licensee is more than sixty (60) days past due in the payment of any debt or tax to the City, ~~has failed to make file~~ a tax return, filed a fraudulent tax return, failed to pay all or part of any tax or penalty due, failed to keep required books and records, failed to secure and display a certificate of registration, ~~violated the food and beverage tax, or committed any willfully violated ion of any rule or regulation relating to the tax administration and or enforcement of tax liability.~~

3-2. Hearing: ~~No fine, and/or suspension, revocation or nonrenewal shall be imposed except after~~ without a public hearing ~~beforey~~ the local Liquor and Tobacco

Commissioner, unless such hearing is otherwise waived by the licensee waives such public hearing. If the Commissioner determines after such hearing that the license or permit should be suspended, revoked, or not renewed, the Commissioner shall state the reason(s) for such a determination in a written order of suspension, revocation or nonrenewal, and shall serve a copy of such order within fifteen (15) days to the licensee. Within fifteen (15) days of the public hearing, the local Liquor and Tobacco Control Commissioner shall issue a written order setting forth any penalties to be assessed against or imposed upon the local licensee, and the reasons therefor. A copy of the written order shall be served upon the local licensee by personal service or by certified United States mail.

2.1 A licensee found guilty of any violation after a public hearing shall be responsible for all costs incurred for the public hearing, including, but not limited to, court reporter fees, witness fees and attorney fees. These costs are imposed in addition to any other penalties assessed against the local licensee. Failure to pay such costs within thirty (30) days may constitute grounds for license revocation. If the local licensee appeals the decision, payment shall be due forty (40) days after entry of an order affirming the decision of the local Liquor and Tobacco Control Commissioner.

3. Appeal to State Liquor Commission: Appeals to the State Liquor Commission from any order or action of the local Liquor and Tobacco Control Commissioner against a local liquor licensee are limited to a review of the official record of the proceedings before the local Liquor and Tobacco Control Commissioner. The only evidence which may be considered by the State Commission shall be the evidence found in the certified official record of the local Liquor and Tobacco Control Commissioner's proceedings. The certified official record shall be filed with the State Commission within five (5) days after receipt of the notice of an appeal and upon payment by the appellant of the cost of preparing the certified official record.

4. Licensee Liability for Employee and Agent Conduct: A licensee shall be strictly responsible for any violation of this Chapter committed by the licensee's agents or employees while on the licensed premises. Any such act or omission shall be deemed the act or omission of the licensee for purposes of enforcement and penalty.

4.1 Alcoholic Liquor Licensees Violations: The local Liquor and Tobacco Control Commissioner may levy fines, as stated in Section 3-3-9:1, in addition to, or in lieu of, any other disciplinary action, upon any licensee as follows:

4.1.1 First violation within a twelve (12) month period: A fine not to exceed one thousand dollars (\$1,000.00).

4.1.2 Second violation within a twelve (12) month period: A fine not to exceed one thousand five hundred dollars (\$1,500.00).

4.1.3 Third or subsequent violation within a twelve (12) month period: A fine not to exceed two thousand five hundred dollars (\$2,500.00).

4.1.4 Maximum Penalty: Each day a violation continues shall constitute a separate and distinct offense; however, no more than fifteen thousand dollars (\$15,000.00) in total fines may be imposed against any licensee during the term of a single license

4.2 Cigarette and Tobacco Dealer's Licensee Violations: The local Liquor and Tobacco Control Commissioner may levy fines, as stated in Section 3-3-9:1, in addition to, or in lieu of, any other disciplinary action, upon any licensee found to have violated any provision of this Chapter, in an amount not less than one thousand dollars (\$1,000.00) nor more than ten thousand dollars (\$10,000.00) for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

~~4.5. Forfeiture of Fees: Whenever any license hereunder has been revoked as provided for in~~ Upon revocation of a local license pursuant to this Chapter, the licensee shall incur a forfeiture of all monies that have been paid for said license shall be forfeited.

~~3-2-6. Revocation and Premises Restriction: Upon revocation of a local license pursuant to this Chapter, When a license shall have been revoked for any cause, no local license shall be granted issued to any person, corporation or other licensee for the period of one year thereafter for the conduct of the business of manufacturing, distributing, or selling alcoholic liquor, tobacco products, or alternative nicotine products on the same premises.~~

~~3.35. Any licensee determined by the local Liquor and Tobacco Control Commissioner to have violated any of the provisions of Illinois Liquor Control Act, any City ordinance, any rule or regulation established by the local or State Liquor and Tobacco Control Commissioner, shall pay to the City the costs of the hearing on such violation. The local Liquor and Tobacco Control Commissioner shall determine the costs incurred by the City for the hearing, including: court reporter fees, the cost of transcripts, attorney fees, the cost of preparing and mailing notices, and other expenses incurred by the City. The licensee shall pay costs to the City within thirty (30) days of notification. Failure to pay said costs within thirty (30) days may be cause for license revocation. If appealed to the State Commission, payment is due forty (40) days after entry of an order affirming the decision of the local Liquor and Tobacco Control Commissioner.~~

SECTION 2: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 10 (Penalty) of the Naperville Municipal Code is hereby amended by adding the underlined language and deleting the stricken language as follows:

3-3-10: - PENALTY:

Unless otherwise provided in this Chapter, any person violating any provision of this Chapter relating to liquor or tobacco shall be fined not less than ~~one~~ two hundred dollars (~~\$1~~200.00) nor more than five thousand dollars (\$5,000.00) for each offense. ~~A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~ Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 3: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 14 (Prohibited Acts and Conditions) of the Naperville Municipal Code is hereby amended by deleting the stricken language as follows:

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- 16. * * *

~~17. Any person convicted of any violation of this Section shall be fined between two hundred dollars (\$200.00) and one thousand dollars (\$1,000.00) per offense. In addition to all fines and penalties, the local Liquor and Tobacco Control Commissioner may suspend or revoke a liquor or tobacco license for any violation of this Section.~~

~~178~~. It shall be unlawful for any business to sell, offer for sale, give away, or deliver kratom or a product containing kratom by any means to any person under the age of twenty-one (21) years.

~~189~~. It shall be unlawful for any person under the age of eighteen (18) years to purchase, possess, or use kratom or any product containing kratom.

~~2019~~. It shall be unlawful for any business to sell, offer for sale, give away, or deliver a tetrahydrocannabinol product by any means to any person under the age of twenty-one (21) years.

~~204~~. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, possess, or use a tetrahydrocannabinol product.

SECTION 4: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2026.

AYES:

NAYS:

ABSENT:

APPROVED this _____ day of _____, 2026.

Scott A. Wehrli
Mayor

ATTEST:

Dawn Portner
City Clerk