

VILLAGE OF FOREST VIEW

ORDINANCE NO. 26-36

**ORDINANCE AMENDING TITLE 3 ADDING CHAPTER 29 REGARDING TOBACCO
LICENSES**

**PASSED AND APPROVED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF FOREST VIEW,
COOK COUNTY, ILLINOIS THIS
27TH DAY OF OCTOBER, 2026**

**Published in pamphlet form by authority
Of the President and Board of Trustees
Of the Village of Forest View, Cook County,
Illinois this 27th day of October, 2026.**

VILLAGE OF FOREST VIEW

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ORDINANCE AMENDING TITLE 3 ADDING CHAPTER 29 REGARDING TOBACCO LICENSES

WHEREAS, the President and Board of Trustees of the Village of Forest View designate public safety regulations for the Village; and

BE IT ORDAINED by the President and Board of Trustees of the Village of Forest View, Cook County, Illinois, as follows:

SECTION 1. Amendment. Title 3 Chapter 29 of the Forest View Village Code is hereby added as follows:

3-29-1: PURPOSE AND INTENT

The purpose of this Chapter is to establish a local licensing and regulatory program governing businesses that sell tobacco products, electronic cigarettes, alternative nicotine products, and related products within the Village

This Chapter is intended to supplement all applicable federal and State laws and regulations. Nothing in this Chapter shall be construed to authorize conduct prohibited by federal or State law.

3-29-2: DEFINITIONS

For purposes of this Chapter, the following terms shall have the meanings set forth below:

(A) “Alternative Nicotine Product”

Any product or device containing nicotine that is intended for human consumption, whether inhaled, absorbed, or otherwise introduced into the human body, and that is not a tobacco product, electronic cigarette, or FDA-approved cessation product, to the extent defined or regulated by applicable Illinois law.

(B) “Applicant”

Any person, corporation, partnership, limited liability company, association, or other legal entity applying for a Tobacco Retailer License

(C) “Electronic Cigarette”

Any electronic device, including but not limited to electronic cigarettes, electronic cigars, electronic pipes, vape pens, or similar devices, that delivers nicotine or another substance to a person inhaling from the device, including any component, cartridge, or refill used with such device, as defined by Illinois law.

(D) “Employee”

Any person employed by, working for, or otherwise performing duties at a licensed tobacco retail establishment, whether compensated or uncompensated

(E) “Person”

Any individual, corporation, partnership, limited liability company, association, organization, or other legal entity.

(F) “Retail Tobacco Establishment”

Any place of business located within the Village where tobacco products, electronic cigarettes, alternative nicotine products, or any combination thereof are sold, offered for sale, distributed, or furnished to consumers.

(G) “Tobacco Product”

Any product made from or derived from tobacco intended for human consumption, including cigarettes, cigars, little cigars, smokeless tobacco, chewing tobacco, snuff, snus, smoking tobacco, pipe tobacco, tobacco intended for use in waterpipes, and other products included within the applicable definition under Illinois law.

(H) “Tobacco Retailer”

Any person or business engaged in the retail sale of tobacco products, electronic cigarettes, alternative nicotine products, or any combination thereof to consumers within the Village

(I) “Village”

The Village of Forest View, Cook County, Illinois.

3-29-3: TOBACCO RETAILER LICENSE REQUIRED

(A) No person or business shall sell, offer for sale, distribute, or furnish tobacco products, electronic cigarettes, or alternative nicotine products at retail within the Village without first obtaining and maintaining a valid Village Tobacco Retailer License

(B) A separate Tobacco Retailer License shall be required for each physical business location.

(C) The Village license required by this Chapter shall be in addition to, and not in lieu of, any license, registration, permit, or authorization required by the State of Illinois or any other governmental authority.

(D) Possession of a valid State tobacco retailer license shall not, by itself, authorize a person to conduct tobacco retail sales within the Village without the local license required by this Chapter.

3-29-4: STATE LICENSE REQUIRED

(A) Every applicant and licensee shall maintain all State licenses required by applicable Illinois law.

(B) No Village Tobacco Retailer License shall be issued or renewed if the applicant does not possess all State licenses required for the proposed tobacco retail activity.

(C) A licensee shall notify the Village Clerk within ten (10) business days of:

1. Suspension, revocation, expiration, or cancellation of any State tobacco retailer license;
2. Receipt of a notice of violation from a State agency concerning tobacco sales;
3. Any change in ownership of the business;
4. Any change in the business location; or

5. Any material change in the information submitted in the Village license application.

3-29-5: APPLICATION FOR LICENSE

An application for a Tobacco Retailer License shall be submitted to the Village Clerk on forms approved by the Village and shall contain, at a minimum:

- (A) The legal name of the business;
 - (B) The business address;
 - (C) The mailing address;
 - (D) The name, address, telephone number, and email address of the owner;
 - (E) The name and contact information of the person responsible for operation of the business;
 - (F) The business entity's State of Illinois identification number, if applicable;
 - (G) A copy of the applicant's current Illinois tobacco retailer license or other applicable State license;
 - (H) A description of the type of tobacco, electronic cigarette, alternative nicotine, and related products to be sold;
 - (I) The names of all persons with an ownership interest in the business;
 - (J) Any other information reasonably necessary for the Village to determine compliance with this Chapter; and
 - (K) A certification signed by the applicant that all information supplied is true and accurate
- The applicant shall promptly notify the Village of any material change in the information contained in the application.

3-29-6: LICENSE FEE

- (A) The annual fee for a Tobacco Retailer License shall be \$ 150 per location, unless amended by the Village Board
- (B) The fee shall be paid at the time of application and upon each annual renewal.
- (C) The local license fee is separate from any State license fee or tax imposed by the State of Illinois.
- (D) No portion of the local license fee shall be considered payment of any State tax or State licensing requirement.

3-29-7: TERM AND RENEWAL

- (A) A Tobacco Retailer License shall be valid for one (1) year from the date of issuance unless suspended, revoked, or otherwise terminated pursuant to this Chapter.
- (B) A license renewal application shall be submitted before expiration of the existing license
- (C) Renewal shall be conditioned upon continued compliance with this Chapter, applicable Village ordinances, and applicable State and federal law.
- (D) The Village may deny renewal for violations occurring during the preceding license period, subject to the notice and hearing provisions of this Chapter.

3-30-8: DISPLAY OF LICENSE

- (A) Every licensee shall prominently display the Village Tobacco Retailer License at the licensed premises.
- (B) The license shall be displayed in a location readily visible to customers and Village officials.
- (C) A licensee shall produce the license for inspection upon request of an authorized Village official or police officer.

3-29-9: SALES TO PERSONS UNDER TWENTY-ONE PROHIBITED

- (A) No licensee, owner, manager, employee, agent, or other person acting on behalf of a tobacco retailer shall sell, furnish, give, distribute, or otherwise provide any tobacco product, electronic cigarette, or alternative nicotine product to a person under twenty-one (21) years of age
- (B) No person shall purchase or obtain a tobacco product, electronic cigarette, or alternative nicotine product on behalf of a person under twenty-one (21) years of age when prohibited by State or local law.
- (C) Nothing in this Section shall be construed to limit or replace the requirements or penalties established under Illinois law.

3-29-10: AGE VERIFICATION

- (A) Before selling, furnishing, or otherwise providing a tobacco product, electronic cigarette, or alternative nicotine product, the seller shall comply with all age-verification requirements imposed by Illinois law.
- (B) When identification is required, the identification shall be examined and verified in accordance with applicable Illinois law.
- (C) A business shall not accept identification that the seller knows, or reasonably should know, is false, altered, expired when expiration is relevant under applicable law, or belongs to another person.
- (D) The Village may require licensees to maintain written policies establishing procedures for age verification and employee compliance

3-29-11: EMPLOYEE RESPONSIBILITY

- (A) A licensee shall be responsible for ensuring that employees and agents involved in tobacco sales are informed of applicable federal, State, and Village requirements.
- (B) A violation committed by an employee during the course of employment may constitute a violation by the licensee for purposes of local administrative enforcement, subject to applicable law and the procedures established by this Chapter.
- (C) The licensee shall maintain documentation demonstrating that employees responsible for tobacco sales have received appropriate instruction regarding age verification and prohibited sales.

3-29-12: PROHIBITED SALES PRACTICES

No licensee or employee shall:

- (A) Sell or furnish tobacco products, electronic cigarettes, or alternative nicotine products to a person under twenty-one (21) years of age;
- (B) Distribute prohibited samples or promotional products in violation of State or federal law;
- (C) Sell products that are unlawfully packaged, labeled, or otherwise prohibited by State or federal law;
- (D) Knowingly accept fraudulent or altered identification for the purpose of making an unlawful sale;
- (E) Permit an employee to knowingly circumvent age-verification requirements; or
- (F) Engage in any tobacco retail practice prohibited by applicable federal or State law.

3-29-13: SELF-SERVICE SALES

No tobacco product, electronic cigarette, alternative nicotine product, or related product subject to age restrictions under applicable law shall be made available for unrestricted self-service by customers except as specifically permitted by applicable federal and State law.

All displays shall be arranged in a manner reasonably designed to prevent unauthorized access by persons under twenty-one (21) years of age

3-29-14: RETAILER RECORDS

A licensee shall maintain records required by applicable federal and State law and shall make such records available to authorized governmental authorities when legally required

Nothing in this Section shall require disclosure of records protected from disclosure by law.

3-29-15: INSPECTION AND COMPLIANCE

(A) The Village Police Department, Village Code Enforcement personnel, Village Clerk, or other authorized Village officials may conduct reasonable inspections of a licensed premises during normal business hours for the purpose of determining compliance with this Chapter.

(B) Inspections shall be conducted in accordance with applicable constitutional, statutory, and administrative-law requirements.

(C) Nothing in this Section authorizes entry into a private area without consent, warrant, or other lawful authority.

(D) A licensee shall not knowingly obstruct or interfere with a lawful inspection or investigation.

3-29-16: COMPLIANCE CHECKS

The Village Police Department or other authorized Village personnel may conduct compliance checks concerning the unlawful sale or furnishing of tobacco products, electronic cigarettes, or alternative nicotine products to persons under twenty-one (21) years of age

Any compliance check shall be conducted in accordance with applicable law and Village policy.

3-29-17: VIOLATIONS

A violation of any provision of this Chapter shall constitute a violation of the Village Code and may be enforced through the Village's administrative adjudication system or any other lawful enforcement mechanism available to the Village

Each unlawful sale or separate violation may constitute a separate offense

3-29-18: ADMINISTRATIVE FINES

(A) In addition to any other penalty authorized by law, a person or licensee found liable for a violation of this Chapter may be subject to an administrative fine

(B) Unless otherwise established by ordinance or resolution, the administrative fine shall be:

1. First violation: \$250.00;
2. Second violation within twelve (12) months: \$500.00;
3. Third and subsequent violations within twelve (12) months: \$750.00.

(C) Each unlawful transaction may constitute a separate violation.

(D) Each day that a continuing violation exists may constitute a separate violation where permitted by law.

(E) The imposition of an administrative fine shall not preclude the Village from pursuing license suspension, license revocation, injunctive relief, or any other remedy authorized by law.

3-29-19: SUSPENSION OR REVOCATION OF LICENSE

A Tobacco Retailer License may be suspended or revoked for:

- (A) Knowingly providing tobacco products, electronic cigarettes, or alternative nicotine products to persons under twenty-one (21) years of age;
- (B) Repeated violations of this Chapter;
- (C) Operating without a required State license;
- (D) Suspension, revocation, or cancellation of a required State tobacco license;
- (E) Providing materially false or misleading information in a Village license application;
- (F) Failure to pay required Village license fees;
- (G) Failure to comply with a lawful Village administrative order concerning tobacco retail operations;
- (H) Obstructing a lawful Village inspection or investigation;
- (I) Fraudulent use of a Village Tobacco Retailer License;
- (J) Allowing the business to be operated in violation of applicable federal, State, or Village tobacco laws; or
- (K) Any other substantial violation demonstrating that continued operation under the Village Tobacco Retailer License is inconsistent with the requirements or purposes of this Chapter.

3-29-20: NOTICE OF VIOLATION

Before suspension or revocation of a Tobacco Retailer License, the Village shall provide the licensee with written notice describing:

- (A) The alleged violation;
- (B) The date and location of the alleged violation;
- (C) The ordinance provision allegedly violated;
- (D) The proposed action against the license;
- (E) The applicable fine, if any; and
- (F) The licensee's right to contest the alleged violation or proposed license action.

3-29-21: HEARING

- (A) A licensee shall be afforded an opportunity for a hearing before a final suspension or revocation of a Tobacco Retailer License, except where an emergency suspension is authorized under Section 3-29-22.
- (B) The hearing shall be conducted before the Village's designated administrative hearing officer or other authorized hearing body.
- (C) The hearing officer shall consider the evidence presented and issue a written decision.
- (D) The decision shall be subject to any appeal rights provided by applicable law.

3-29-22: EMERGENCY SUSPENSION

- (A) When the Village determines that continued operation of a tobacco retail establishment presents an immediate and substantial threat to public health, safety, or welfare, the Village may seek an emergency suspension of the Tobacco Retailer License to the extent authorized by law.
- (B) Any emergency suspension shall be limited to the period reasonably necessary to address the emergency and shall be accompanied by prompt notice and an opportunity for hearing consistent with applicable law.

3-29-23: PROBATION

In lieu of or in addition to suspension, the Village may place a Tobacco Retailer License on probation for a specified period and impose reasonable compliance conditions, including:

- (A) Employee tobacco-sales training;
- (B) Increased compliance monitoring;
- (C) Written age-verification procedures;
- (D) Periodic submission of compliance documentation;
- (E) Additional inspections authorized by law; and
- (F) Any other reasonable condition directly related to correcting the violation.

3-29-24: TRANSFER OF LICENSE

- (A) A Tobacco Retailer License shall not be transferred from one physical location to another.
- (B) A change in ownership shall require submission of a new application unless the Village determines that the change does not constitute a transfer of control under applicable law.
- (C) The license shall automatically terminate upon cessation of business at the licensed location unless otherwise provided by the Village

3-29-25: CHANGE OF LOCATION

A Tobacco Retailer License shall apply only to the physical location identified on the license
A licensee wishing to relocate the tobacco retail operation shall submit a new application and obtain Village approval before commencing tobacco sales at the new location.

3-29-26: EXEMPTIONS

Nothing in this Chapter shall prohibit:

- (A) Conduct expressly authorized or protected by federal or State law;
- (B) The lawful sale of FDA-approved smoking-cessation products that are not otherwise regulated as tobacco products, electronic cigarettes, or alternative nicotine products; or
- (C) Any activity specifically exempted by applicable Illinois law.

3-29-27: CONSTRUCTION WITH STATE LAW

- (A) This Chapter shall be construed as supplemental to applicable federal and Illinois law.
- (B) Nothing in this Chapter shall be interpreted to permit conduct prohibited by federal or State law.
- (C) Where State or federal law imposes a stricter requirement than this Chapter, the stricter applicable requirement shall control.
- (D) Where legally permissible, this Chapter shall be interpreted to provide the Village with additional local regulatory and enforcement authority.

3-29-28: NO PRIVATE RIGHT OF ACTION

Nothing in this Chapter shall be construed to create a private right of action against the Village, its officers, employees, agents, or contractors.

3-29-29: SEVERABILITY

If any section, subsection, paragraph, sentence, clause, phrase, or provision of this Chapter is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

SECTION 2: Home Rule This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the Village of Forest View that to the extent of the terms of this ordinance should be inconsistent with any non-preemptive state law, that this ordinance shall supersede state law in that regard within its jurisdiction.

SECTION 3: Effective Date This ordinance shall be in full force and effect immediately after its adoption and approval in the manner provided by law.

PASSED BY THE FOLLOWING ROLL CALL this 27th day, of October 2026.

AYES: Trustees Grossi, Castanuela, Nitka, Nevarez, Sudkamp

NAYS: NA

ABSENT: Trustee Hubacek

APPROVED this 27th day of October, 2026.

By: _____
David S. Liska
Village President

ATTEST:

Laura D. McGuffey
Village Clerk