

---

**VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

---

**ORDINANCE NO. 20 - 14**

**AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD  
HEIGHTS CODE OF ORDINANCES TO ESTABLISH LICENSING CATEGORIES  
FOR TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS DEALERS AND  
LIMIT THE NUMBER OF LICENSES**

Passed by the Board of Trustees, July 9, 2020

Printed and Published July 9, 2020 in Pamphlet Form  
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR  
MARCIA L. POLLOWY, VILLAGE CLERK

ANNETTE BRZEZNIAK-VOLPE  
ANNA BRZOWSKI-WEGRECKI  
ZBIGNIEW LEWANDOWSKI  
THERESE SCHUEPFER  
LAWRENCE STEINER  
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was  
properly published in pamphlet form  
by authority of the Board of Trustees  
on the date stated above.

  
Village Clerk

**VILLAGE OF HARWOOD HEIGHTS  
COOK COUNTY, ILLINOIS**

**ORDINANCE NO. 20-14**

**AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD  
HEIGHTS CODE OF ORDINANCES TO ESTABLISH LICENSING CATEGORIES  
FOR TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS DEALERS AND  
LIMIT THE NUMBER OF LICENSES**

**WHEREAS**, the Village of Harwood Heights (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

**WHEREAS**, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

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

**WHEREAS**, the Village regulates the retail sale and purchase of tobacco products and alternative nicotine products and electronic cigarettes pursuant to Title 4, Chapter 4.28, Article 26 of the Village Code;

**WHEREAS**, the Village Board is desirous of limiting the proliferation of tobacco and alternative nicotine product specialty stores within the community in order to enhance the public health, safety and welfare; and

**WHEREAS**, the Village Board has determined that it will serve and advance the public’s health, safety and welfare and be in the best interest of the Village and its residents, to amend the Village Code to distinguish between tobacco-centric retailers that specialize in the retail sale of tobacco and alternative nicotine products as a principal use and commercial retailers that

incidentally sell such products;

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, in the exercise of the Village's home rule powers, that the Village Code be amended as follows, with all existing provisions of the Village Code not set forth below continuing in full effect as currently written:

**SECTION 1. Recitals.** The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1. The findings and recitals herein are declared to be prima facie evidence of the law of the Village and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

**SECTION 2. Amendment to Licensee Fee Schedule.** Title 4 ("Business Licenses and Regulations"), Chapter 4.08 ("Business License Fee Schedule"), Section 4.08.010 ("Schedule of Fees") of the Harwood Heights Village Code of Ordinances, shall be, and hereby is, amended as follows (additions **underlined in bold font**, deletions marked with ~~striketrough~~):

#### 4.08.010 - Schedule of fees.

License fees under the terms of this chapter and Chapter 4.04 for the businesses, occupations, or uses set forth shall be as follows, unless otherwise specifically stated:

Type of Operation	License Fee
1. Ambulance service	\$55.00 per vehicle
2. Amusements (excluding special events fees listed in Ch. 4.16, Art. 3):	
a. Automatic coin-operated rides, each machine	30.00
Coin-operated rides, amusements or devices not otherwise licensed under this code:	
i. Less than \$0.50 per play	30.00
ii. More than \$0.50 per play	50.00
b. Public place of amusement, including cabarets or nightclubs, concert halls, dance halls, gyms, live theaters, skating rinks, motion picture theaters, recreational facilities, and video or computer game arcades.	
The fee for each public place of amusement license shall be set pursuant to the individual capacity of the premises in accordance with the following schedule:	
a. 1 to 350	385.00
b. 351 to 500	550.00
c. 501 to 750	825.00
d. 751 to 1,000	1,100.00
e. 1,001 to 2,000	1,650.00
f. 2,001 to 3,000	2,200.00
g. 3,001 to 4,000	3,300.00
h. Over 4,000	6,600.00
When computing the capacity of a public place of amusement, the total occupancy of all rooms or other occupancy areas of the premises of the business operating the amusement shall be calculated.	
3. Animal care:	
a. Kennels and catteries	150.00
b. Veterinary hospitals	150.00
c. Pet shops	150.00
d. Animal exhibition	150.00
e. Pet groomers	150.00
4. Auctioneer:	
a. Per day	28.00
b. Per year	110.00
5. Billiard and pool halls, per table	55.00

6. Bowling alley, per alley	28.00
7. Burglar alarms (per alarm), antenna systems, aural or visual communication	50.00
8. Bus transportation service	55.00
9. Car rental	110.00
10. Catch basin and sewer cleaning (Quota 1)	55.00
Surety bond	1,000.00
11. Catering:	
a. Catering and/or banquet hall	330.00
b. Each delivery vehicle (exclude cigarette)	220.00
c. Caterers	110.00
12. Christmas tree sales (Plus \$1,000.00 cash bond)	55.00
13. Tobacco products:	
a. Sales from vending machines	150.00
b. <b><u>Class A (Incidental Sales) Tobacco Dealer's License for</u></b> tobacco products sold outside of vending machines (a separate retail sales establishment license shall also be required pursuant to this section)	\$100.00
c. <b><u>Class B (Tobacco Shop) Tobacco Dealer's License</u></b> (a separate retail sales establishment license shall also be required pursuant to this section if other products are sold on premises)	<b><u>\$100.00</u></b>
d. Vending stations other than tobacco products machines (per station or check-out counters at retail stores—a separate retail sales establishment license for the building or premises or portion thereof is required per this section)	100.00
14. Commercial establishment, as defined in Section 4.04.010 of this code, including those uses set forth in Section 17.16.030 of this code and other similar type establishments from which services are provided from a building or premises or portion thereof in exchange for compensation:	
a. 0 to 1,000 sq. ft. floor area	125.00
b. 1,001 to 2,000 sq. ft. floor area	175.00
c. 2,001 to 5,500 sq. ft. floor area	225.00
d. 5,001 to 10,000 sq. ft. floor area	300.00
e. 10,001 to 20,000 sq. ft. floor area	400.00
f. 20,001 to 40,000 sq. ft. floor area	600.00
g. 40,001 to 80,000 sq. ft. floor area	800.00
h. Over 80,000 sq. ft. floor area	1,000.00
When computing the capacity of a commercial establishment, the total square footage of all rooms of the premises of the business shall be calculated.	
15. Day care center:	
a. 100 or fewer children	100.00
b. Over 100 children	150.00



16. Dogs and cats	2.00
17. Exterminators, by fumigation or poisons (Certificate of insurance required)	100.00
18. Factory, machine or workshop, including candy factory, cabinet maker shop, furniture maker or other type of manufacturer:	\$150.00 for the first 1,500 sq. ft. of floor area, and \$23.00 for every 1,500 sq. ft. floor area thereafter.
a. 0 to 1,500 sq. ft. floor area	150.00
b. 1,501 to 3,000 sq. ft. floor area	188.00
c. 3,001 to 6,000 sq. ft. floor area	203.00
d. 6,001 to 9,000 sq. ft. floor area	263.00
e. 9,001 to 12,000 sq. ft. floor area	300.00
f. 12,001 to 15,000 sq. ft. floor area	375.00
g. 15,001 to 20,000 sq. ft. floor area	488.00
h. 20,001 to 30,000 sq. ft. floor area	600.00
i. 30,001 to 40,000 sq. ft. floor area	713.00
j. 40,001 to 50,000 sq. ft. floor area	825.00
k. 50,001 to 60,000 sq. ft. floor area	925.00
l. 60,001 to 70,000 sq. ft. floor area	1,025.00
m. 70,001 to 80,000 sq. ft. floor area	1,125.00
n. 80,001 to 90,000 sq. ft. floor area	1,225.00
o. 90,001 to 100,000 sq. ft. floor area	1,325.00
p. Over 100,000	1,425.00
19. Fire extinguisher service	50.00
20. Filling stations, per pump (Must have a pressure test performed and certificate attached to application)	150.00
21. Fuel oil bulk petroleum	400.00
22. Firearms or ammunition	150.00
23. Going out of business, daily	30.00
24. Hotels, motels and bed and breakfast establishments	650.00
25. Hot dog stand (Quota 2)	55.00
26. House or building moving, per day (Must post \$10,000.00 performance bond)	110.00
27. Housewreckers (Must post \$10,000.00 performance bond)	\$100.00
28. Ice dispensing machine, each	75.00
29. Jukebox	100.00
30. Newspaper stand	55.00
31. Nursing home/assisted living	250.00
Public garages	110.00

32. Public parking for profit	110.00
33. Public sidewalk use for restaurant outdoor seating	100.00
34. Restaurant, or place where meals are served:	
a. 1 to 25 seats (indoor, outdoor or car stand)	300.00
b. Each seat over 25 (indoor, outdoor or car stand)	3.00
35. Retail sales establishment, as defined in Section 4.04.010 of this code, including those uses set forth in Section 17.16.030 of this code and other similar type establishments from which goods are sold at retail and other similar type establishments:	
a. 0 to 1,000 sq. ft. floor area	125.00
b. 1,001 to 2,000 sq. ft. floor area	175.00
c. 2,001 to 5,500 sq. ft. floor area	225.00
d. 5,001 to 10,000 sq. ft. floor area	300.00
e. 10,001 to 20,000 sq. ft. floor area	400.00
f. 20,001 to 40,000 sq. ft. floor area	600.00
g. 40,001 to 80,000 sq. ft. floor area	800.00
h. Over 80,000 sq. ft. floor area	1,000.00
When computing the capacity of a retail sales establishment, the total square footage of all rooms of the premises of the business shall be calculated.	
36. Scavenger/waste disposal firm	500.00
a. Independent scavenger (junk)	25.00
37. Snow removal service, lawn care or lawn treatment service, window washing service	50.00
38. Solicitors	10.00 per 30-day license term
39. Taxicab, per cab	40.00
40. Taxicab, village based (see § 114.415 et seq.)	
41. Towing	150.00
42. Trucking	150.00
43. Vending machines, automatic coin (other than amusement, tobacco or music):	
a. \$0.05 machine, per machine	10.00
b. \$0.10 machine, per machine	15.00
c. \$0.15 machine, per machine	20.00
d. \$0.20 machine and up, per machine	25.00
e. Transfer of lost vending decal or transfer of vending decal for machine which has been removed (proof of purchase of original decal must be presented when applying for transfer)	10.00 per decal
f. Fine for failure to post vending decals (For the first offense, a warning sticker will be placed on the machine; second offense \$10.00 fine. Each day a violation continues shall constitute a separate offense.)	25.00

g. A 25% penalty will be charged on all license renewal applications received after June 1. For each month after June 1, an additional fee equal to 25% of the base fee shall be charged.	
44. Vendor, food, per vehicle	300.00
45. Washing machines and dryers, coin-operated, per machine	15.00
46. Any business not listed, for which the village possesses the lawful right to license (*or as designated by the Mayor and Board of Trustees)	150.00
47. Collection box owner	10.00/box per 30-day license term

**SECTION 3. Amendments to Title 4, Chapter 4.28, Article 26.** Title 4 (“Business Licenses and Regulations”), Chapter 4.28 (“Other Businesses”), Article 26 (“Tobacco and Alternative Nicotine Products Dealers”) of the Harwood Heights Village Code of Ordinances, shall be, and hereby is, amended as follows (additions **underlined in bold font**, deletions marked with ~~striketrough~~). Any Section or subsection omitted herefrom shall continue in full force and effect:

4.28.1260 - Definitions.

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

**“Tobacco Shop” means a retail establishment principally engaged in the retail sale or display of Tobacco, Tobacco Products, Alternative nicotine products, Electronic cigarettes, Vape or Vaping products including, without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing insofar as it either (i) devotes ten percent or more of floor area or display area to or (ii) derives more than sixty percent of its gross revenue from the sale of Tobacco, Tobacco Products, Alternative nicotine products, Electronic cigarettes, Vape or Vaping products including, without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing. The term “Tobacco Shop” shall also include smoking lounges, which are retail establishments dedicated in whole or in part to entertaining smokers and users of tobacco. The term “Tobacco Shop” does not include Cannabis Business Establishments. “Tobacco Shop” also does not include establishments that incidentally sell or display such products as an accessory use, subordinate in purpose to the principal use served, such as a larger commercial**



establishment that incidentally includes a tobacco department or display incidental to the principal use of the premises.

#### 4.28.1275 - Tobacco Dealer's License Classifications.

Licenses required in this Article 26 shall be and are divided into two (2) classes:

- A. Class A (Incidental Sales) Tobacco Dealer's License – Required in order to engage in the retail sale or display of Tobacco, Tobacco Products, Alternative nicotine products, Electronic cigarettes, Vape or Vaping products including, without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing where such sales or displays are incidental to the principal use of the premises, such as a tobacco department or display in a larger commercial establishment, such as a grocery store or convenience store which devotes less than ten percent of its floor or display area to such products and which derives less than sixty percent of its gross revenue from the sale of Tobacco, Tobacco Products, Alternative nicotine products, Electronic cigarettes, Vape or Vaping products including, without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing.
- B. Class B (Tobacco Shop) Tobacco Dealer's License – Required in order to operate a Tobacco Shop as defined in Section 4.28.1260.

#### 4.28.1290 - License fees.

The license fees for a Class A and Class B tobacco dealer's license shall be as set forth in Section 4.08.010(13) of this code.

#### 4.28.1295. Number of Licenses.

- A. There shall be an unlimited number of Class A (Incidental Sales) Tobacco Dealer's Licenses that may be issued and outstanding at any one time within the Village of Harwood Heights.
- B. There shall be no more than three (3) Class B (Tobacco Shop) Tobacco Dealer's Licenses outstanding at any one time in the Village. In the event that a Class B (Tobacco Shop) Tobacco Dealer's License is lapsed or revoked or the licensed premises becomes vacant for a continuous period of at least 90 days, then the maximum number of Class B licenses in the Village shall be automatically reduced by one.

**SECTION 4. RESOLUTION OF CONFLICTS.**

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 5. SAVING CLAUSE.**

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**VOTES**

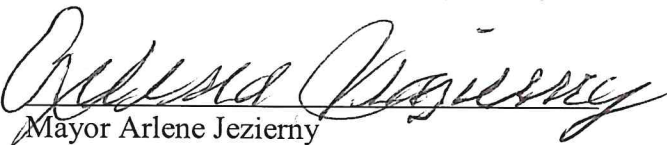
AYES: Trustee Schuepfer, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Zerillo, Lewandowski

NAYS:

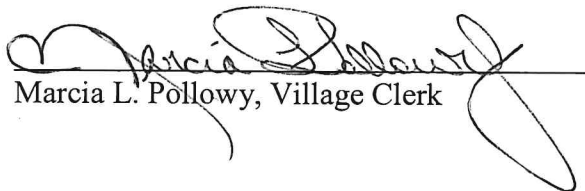
ABSENT:

ABSTAIN:

Passed and Approved this 9th day of July, 2020.

  
Mayor Arlene Jezierny

ATTEST:

  
Marcia L. Pollowy, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

**CERTIFICATION**

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 20-14 entitled:

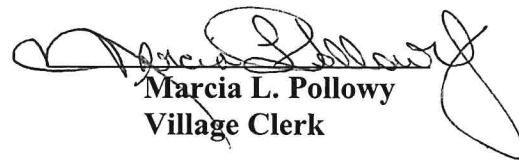
**AN ORDINANCE AMENDING TITLE 17 OF THE VILLAGE OF HARWOOD HEIGHTS CODE OF ORDINANCES TO ESTABLISH LICENSING CATEGORIES FOR TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS DEALERS AND LIMIT THE NUMBER OF LICENSES**

Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 9th day of July, 2020.

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

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 10th day of July, 2020.

  
Marcia L. Pollowy  
Village Clerk

**Corporate Seal**