

7/11/2022  
7/13/2022

**71-O-22**

**AN ORDINANCE**

**Amending Section 3-14-5 of the Evanston City Code,  
“Location Restrictions”**

**WHEREAS**, the Beacon Academy, a private school serving grades 9-12, currently located at 1574 Sherman Avenue, in Evanston, Illinois, has applied for a special use permit for its Arts Annex, to be located at 1026 Davis Street in the D2 Downtown Retail Core District; and

**WHEREAS**, Section 3-14-5 “Location Restrictions” of the City Code generally forbids the sale of tobacco products within one hundred fifty (150) feet as measured from lot line to lot line of any high school, middle school, or elementary school, with the exception of the Park School and Rice Children’s Center of the Evanston/Skokie School District 65 Special Schools and Centers; and

**WHEREAS**, the proposed location of the Arts Annex at 1026 Davis Street is within one hundred fifty (150) feet of Evanston 1<sup>st</sup> Liquors, located at 1019 Davis Street and a retailer of tobacco products; and

**WHEREAS**, the City Council previously created an exception from the tobacco sale restrictions for businesses located within one hundred fifty (150) feet of the Park School and Rice Children’s Center; and

**WHEREAS**, the City Council has determined that it is in the best interests of the City to create a new exception from the tobacco sale restrictions for businesses located within one hundred fifty (150) feet of the proposed location of the Arts Annex at 1026 Davis Street;

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**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** The foregoing recitals are hereby found as fact and incorporated herein by reference.

**SECTION 2:** Title 3, Chapter 14, Section 5 “Location Restrictions” of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**3-14-5. – LOCATION RESTRICTIONS.**

(A) *Prohibited.* It shall be unlawful for any person to sell, offer for sale, give away, or deliver tobacco or liquid nicotine products within one hundred fifty (150) feet as measured from lot line to lot line of any high school, middle school or elementary school except for the Park School and Rice Children's Center of the Evanston/Skokie School District 65 Special Schools and Centers and private educational institutions located in any Downtown zoning districts as listed in Title 6, Chapter 11 of the City Code.

(B) *Penalty.* Any person violating this Section shall be fined not less than five hundred dollars (\$500.00) for each offense, one thousand dollars (\$1,000.00) for the second offense and license revocation for the third offense. In addition to any other penalty, a licensee, or any agent of a licensee, convicted of violating any provision of this Section may subject licensee to having his/her license revoked, suspended or not renewed by the Health Director. For purposes of this Section, a clerk or salesperson is considered an agent of the licensee.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect

without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 5:** Ordinance 71-O-22 shall be in full force and effect after its passage and approval.

**SECTION 6:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: July 11, 2022

Approved:

Adopted: July 11, 2022

July 19, 2022

Daniel Biss  
Daniel Biss, Mayor

Attest:

Approved as to form:

Stephanie Mendoza  
Stephanie Mendoza, City Clerk

Derke Price  
Derke Price, Interim Corporation Counsel