

**REGULAR AGENDA  
UNFINISHED BUSINESS #1**

**ORDINANCE NO. F-**

**AN ORDINANCE AMENDING THE WHEATON CITY CODE, CHAPTER 26 - 139  
BUSINESSES – TOBACCO – PROXIMITY TO CERTAIN INSTITUTIONS**

WHEREAS, The City of Wheaton, Illinois (“City”) is an Illinois home rule municipality pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution, 1970, and as such the City may exercise any power or perform any function pertaining to its government and affairs; and

WHEREAS, the City has determined it to be in the best interests of the City and its residents to consider certain amendments to the Wheaton City Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Wheaton, DuPage County, Illinois, pursuant to its home rule powers, as follows:

Section 1: That Sec. 26-139 is hereby amended by deleting it in its entirety and replacing it with the following:

“It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within 100 feet of any church, **public or private elementary, middle or high** school, hospital, home for the aged or indigent persons. The distance of 100 feet shall be measured between the nearest parts of any such building and the building which is the subject of any application for a tobacco license, provided that this prohibition shall not apply to places of business where the sale of tobacco products is not the principal business carried on.”

Section 2: All ordinances, or parts of ordinances, in conflict with these provisions are hereby repealed.

Section 3: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner prescribed by law.

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Mayor

Attest:

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City Clerk

Roll Call Vote:

Ayes:  
Nays:  
Absent:

Passed:

Published: