

000735

VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 X Resolution or Ordinance (Blue) *Waiver of First Requested*
 Recommendations of Board, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: December 18, 2006 (BOT) Date: January 4, 2007

TITLE: An Ordinance Amending Title 11, Chapter 120 of the Lombard Village Code

SUBMITTED BY: Ray Byrne, Chief of Police

BACKGROUND/POLICY IMPLICATIONS:

This ordinance will add a new section 120.16 to the Village Code. The new provision sets up a requirement that tobacco dealers undergo a training program designed to assist them in understanding their responsibilities under the Village Code and preventing the sale of tobacco products to minors.

FISCAL IMPACT/FUNDING SOURCE: None

Review (as necessary):

Finance Director X

Village Manager X

William T. Lichter

Date

Date: 12/19/06

NOTE: All materials must be submitted to and approved by the Village Manager's office by 12:00 noon, Wednesday, prior to the Agenda Distribution.



LOMBARD POLICE DEPARTMENT



DATE: December 18, 2006

TO: William T. Lichter
Village Manager

FROM: Ray Byrne
Chief of Police

SUBJECT: Ordinance Proposing an Educational Training Course Requirement for Tobacco Dealers

Attached to this correspondence, please find a proposed ordinance that would establish an educational training program for all tobacco licensees. The concept is very similar to our BASSETT Training Program for liquor licensees and is the initiative of the Village President. In essence, all tobacco license holders will have to attend an educational program which will be put on by the police department. The program is designed to educate all licensees about the Village Code requirements and how to responsibly sell tobacco products, including not selling tobacco products to minors. Attendees will have to be a management person who is responsible for employee training such as the owner, business manager or employee supervisor. The training will be provided at no cost to licensees.

The ordinance is intended to take effect with the issuance of the next annual renewal period beginning July 1, 2007. The police department will conduct the educational training sessions in the spring, prior to the renewal period. The proposed ordinance has been reviewed and prepared by Village Attorney Tom Bayer. If you should have any questions, or would like additional information, please do not hesitate to contact me.

cc: Dep. Chief Cuny
Dep. Chief Rollins
Denise Kalke, Licensing Specialist
Richard Spika, Tobacco Compliance Coordinator

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MEMORANDUM

To: Raymond Byrne, Chief of Police, Village of Lombard

From: Tom Bayer, Village Attorney

Date: October 19, 2006

Subject: **Tobacco Dealer's Licenses –
Educational Training Course Requirement**

Per our discussion relative to the above-captioned matter, attached please find the following draft Ordinance for your review:

AN ORDINANCE AMENDING TITLE 11, CHAPTER 120
OF THE LOMBARD VILLAGE CODE
IN REGARD TO TOBACCO DEALER'S LICENSES
(EDUCATIONAL TRAINING COURSE REQUIREMENT)

If there are any questions, please feel free to call.

encl.

cc: William J. Mueller, Village President (w/ encl.)
Denise Kalke, Licensing Specialist (w/ encl.)

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ORDINANCE NO. ____

**AN ORDINANCE AMENDING TITLE 11, CHAPTER 120
OF THE LOMBARD VILLAGE CODE
IN REGARD TO TOBACCO DEALER'S LICENSES
(EDUCATIONAL TRAINING COURSE REQUIREMENT)**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 11, Chapter 120 of the Lombard Village Code is amended by adding a new Section 120.16 thereto, which shall read in its entirety as follows:

**“§ 120.16 RESPONSIBLY SELLING TOBACCO PRODUCTS –
EDUCATIONAL TRAINING-CONDITION OF LICENSE.**

(A) Effective with the July 1, 2007 through June 30, 2008 tobacco dealer's license period, and for all license periods thereafter, all tobacco dealer's license holders shall be required to have at least one management person, who is responsible for employee training (the owner, the business manager or an employee supervisor), take and successfully complete the Lombard Police Department's Responsibly Selling Tobacco Products Training Program (hereinafter the "Tobacco Program" for purposes of this Section 120.16) and thereafter maintain a current effective certification from said Tobacco Program.

(B) Proof of Educational Training Compliance. Upon making application for the July 1, 2007 through June 30, 2008 tobacco dealer's license, and for all subsequent license periods thereafter, the tobacco dealer's license holder shall supply the Village with copies of the course completion certificate(s) for all management personnel who have successfully completed the Tobacco Program. A copy of the Tobacco Program completion certificate(s) shall also be made available at all times at the licensed premises for inspection by the Lombard Police Department.

(C) Compliance by New License Holders. All new tobacco dealer's license holders who obtain a tobacco dealer's license subsequent to July 1, 2007, shall be given sixty (60) days from the date of issuance of the tobacco dealer's license to come into compliance with Subsections A and B above relative to the Tobacco Program requirement.

(D) Compliance After Loss of a Certified Management Employee. Any tobacco dealer's license holder, who, due to the loss of a management employee who has successfully completed the Tobacco Program, is put in a position of non-compliance with Subsection A above, shall have sixty (60) days to come into compliance.

(E) Penalties for Non-Compliance. Any person, firm or corporation violating the provisions of this Section 120.16 shall be subject to the penalties set forth in Section 120.99(A) of this Code."

SECTION 2: That Title 11, Chapter 120, Section 120.99(A) of the Lombard Village Code is amended by adding, "or § 120.16," after the reference to, "120.04," as contained therein.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this ___ day of _____, 2006.

First reading waived by action of the Board of Trustees this ___ day of _____, 2006.

Passed on second reading this ___ day of _____, 2006, pursuant to a roll call vote as follows:

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2006.

William J. Mueller, Village President

ATTEST:

Brigitte O'Brien, Village Clerk

Published by me in pamphlet form this ____ day of _____,
2006.

Brigitte O'Brien, Village Clerk