


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

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

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: June 7, 2019 (B of T) Date: June 20, 2019
TITLE: Amending Village Code Title XI, Chapter 120 – Tobacco
SUBMITTED BY: Roy Newton, Police Chief 

BACKGROUND/POLICY IMPLICATIONS:

Attached for your consideration is an ordinance amending Title XI, Chapter 120 in regard to the regulation of the possession, sale and delivery of tobacco products, e-cigarettes, vapes and alternative nicotine products in conjunction with legislation recently passed by the State of Illinois. This Village Code amendment will take effect July 1, 2019 concurrent with the State effective date.

Please place this item on the June 20, 2019 Board of Trustees agenda for consideration.

Staff is requesting a waiver of first reading due to the Village Board's summer schedule.

Fiscal Impact/Funding Source:

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

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.




Legistar #:

June 5, 2019

TO: Village Board of Trustees

THROUGH: Scott Niehaus, Village Manager

FROM: Chief Roy Newton 

SUBJECT: Amendment of Possession, Sale, and Delivery of Tobacco Ordinance

Background

The State of Illinois recently passed legislation increasing the age to purchase tobacco, e-cigarettes, vapes, or alternate nicotine products to 21 years of age. Not included in the statute was a provision for possession. That being said, under State statute anyone can possess a tobacco product. In a review of the Village of Lombard Tobacco Ordinance, it was determined certain changes to be made that will include sale and possession to individuals over 21 years of age. Additionally our ordinance called for a 4-hour training period for license holders. We have determined that this portion of the ordinance is not part of the grant funds received from the State of Illinois, thus there is no mandatory training required. Many businesses employ family members or clerks who are under 21 years of age. It has been concluded to allow for the age for selling of products to 16, which is mirrored by State statute. The aforementioned items have been made with consultation from Village Attorney Tom Bayer.

Recommendation

The Police Department recommends that the Village President and Board of Trustees approve an Ordinance Amending Article XI, Chapter 120 of the Lombard Village Code in regard to the regulation of the possession, sale, and delivery of tobacco products, e-cigarettes, vapes, and alternative nicotine products. The Ordinance makes the following changes to the Village Code:

1. Increases the minimum age to purchase or possess tobacco, e-cigarettes, vapes or alternate nicotine products to 21 years of age;
2. Repeals the provisions relative to a Village training program for businesses selling tobacco products; and
3. Reduces the sales clerk age for selling tobacco, e-cigarettes, vapes and alternative nicotine products to 16, as provided for by State statute.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE XI, CHAPTER 120
OF THE LOMBARD VILLAGE CODE IN REGARD TO THE
REGULATION OF THE POSSESSION, SALE AND DELIVERY
OF TOBACCO PRODUCTS, E-CIGARETTES,
VAPES AND ALTERNATIVE NICOTINE PRODUCTS**

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

SECTION 1: That Title XI, Chapter 120, Sections 120.01(B), 120.06(A), 120.06(B), 120.08, 120.09, 120.12(C), 120.17(A)(2), 120.17(C) and 120.17(D) of the Lombard Village Code are hereby amended by revising the references therein to “18” to read “21”.

SECTION 2: That Title XI, Chapter 120, Section 120.07 of the Lombard Village Code is amended as follows:

- A. The reference therein to “18” is revised to read “16”; and
- B. The following is added to the end thereof:

“This Section does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.”

SECTION 3: That Title XI, Chapter 120, Section 120.16 of the Lombard Village Code is hereby repealed.

SECTION 4: That Title XI, Chapter 120, Section 120.17(E) of the Lombard Village Code is amended as follows:

- A. The reference therein to “18: is revised to read “16”; and

B. The following is added to the end thereof:

“This subsection does not apply to a sales clerk in a family-owned business which can prove that the sales clerk is in fact a son or daughter of the owner.”

SECTION 5: 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 _____, 2019.

First reading waived by action of the Board of Trustees this ___ day of _____, 2019.

Passed on second reading this ____ day of _____, 2019, pursuant to a roll call vote as follows.

AYES: _____

NAYS: _____

ABSENT: _____

APPROVED by me this ____ day of _____, 2019.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ___ day of _____, 2019

Sharon Kuderna, Village Clerk