



**AGENDA**  
**REGULAR VILLAGE BOARD MEETING**  
**Village Hall - Public Meeting Room**  
**Monday, April 25, 2016 – 7:00 p.m.**

*Reasonable accommodations/auxiliary aids will be provided to enable persons with disabilities to effectively participate in any public meetings of the Board. Please contact the Village Administrative Office (847.883.8600) 48 hours in advance if you need special accommodations to attend. Regular Village Board Meetings will not proceed past 10:30 p.m. unless there is a consensus of the majority of the Trustees to do so.*

**CALL TO ORDER**

**1.0 ROLL CALL**

**2.0 APPROVAL OF MINUTES**

2.1 Approval of the April 11, 2016 Regular Village Board Meeting Minutes

**3.0 REPORTS OF OFFICERS**

3.1 Mayor's Report

3.11 Building Safety Month Proclamation

3.2 Village Clerk's Report

3.3 Village Treasurer's Report

3.4 Village Manager's Report

**4.0 PAYMENT OF BILLS**

4.1 Bills Presented for Payment on April 25, 2016 in the amount of \$405,929.49

**5.0 CITIZENS WISHING TO ADDRESS THE BOARD (on agenda items only)**

**6.0 PETITIONS AND COMMUNICATIONS**

6.1 Presentation by REALITY Illinois Youth Advisory Board Regarding Electronic Smoking Devices

**7.0 CONSENT AGENDA**

*Items on the Consent Agenda will be approved by one motion. If a Trustee wishes to discuss any item, it will be pulled from the Consent Agenda and discussed under "Unfinished Business".*

7.1 Approval of a Contract for the 2016 Sanitary and Storm Sewer Lining Project with Hoerr Construction of Peoria, Illinois in an Amount not to Exceed \$89,580.10 (Village of Lincolnshire)

7.2 Approval of a Professional Services Agreement with Gewalt Hamilton Associates, Inc. for Phase 3 – Construction Observation Services for 2016 MFT Resurfacing Project in an Amount not to Exceed \$32,000 (Village of Lincolnshire)

- 7.3 Approval of an Agreement with the Illinois Department of Transportation for Stage 2 Improvements for the Illinois Transportation Enhancement Project (ITEP) Grant Project (Village of Lincolnshire)
- 7.4 Approval a Professional Services Agreement with Gewalt Hamilton Associates, Inc. for Phase 3 – Construction Observation Services for Stage 2 Improvements for the Illinois Transportation Enhancement Program (ITEP) Grant Project in an Amount Not to Exceed \$35,722.20 (Village of Lincolnshire)

8.0 **ITEMS OF GENERAL BUSINESS**

8.1 Planning, Zoning & Land Use

8.2 Finance and Administration

8.3 Public Works

8.4 Police

- 8.41 Approval of an Addendum to an Intergovernmental Agreement Between the Village of Vernon Hills, The Countryside Fire Protection District, and the Village of Lincolnshire for the Purpose of Providing Emergency Dispatch Services (Village of Lincolnshire)

8.5 Parks and Recreation

8.6 Judiciary and Personnel

9.0 **REPORTS OF SPECIAL COMMITTEES**

10.0 **UNFINISHED BUSINESS**

11.0 **NEW BUSINESS**

12.0 **ADJOURNMENT**



One Olde Half Day Road  
Lincolnshire, IL 60069  
[www.lincolnshireil.gov](http://www.lincolnshireil.gov)



2.1

**MINUTES  
REGULAR VILLAGE BOARD MEETING  
Monday, April 11, 2016**

Present:

Mayor Brandt	Trustee Feldman
<del>Trustee Grujanac</del>	<del>Trustee Hancock</del>
<del>Trustee McDonough</del>	Trustee Servi
Trustee Leider	Village Clerk Mastandrea
Village Attorney Simon	Village Manager Burke
<del>Chief of Police Kinsey</del>	Public Works Director Woodbury
Village Treasurer/Finance Director Peterson	Assistant Public Works Director/Village Engineer Dittrich

**ROLL CALL**

Mayor Brandt called the meeting to order at 7:05 p.m., and Village Clerk Mastandrea called the Roll.

**2.1 Approval of the April 4, 2016 Regular Village Board Meeting Minutes**

Trustee Servi moved and Trustee Leider seconded the motion to approve the minutes of the Regular Village Board Meeting of April 4, 2016 as presented. The roll call vote was as follows: AYES: Trustees Leider, Feldman, Servi, and Mayor Brandt. NAYS: None. ABSENT: Trustees Grujanac, Hancock, and McDonough. ABSTAIN: None. Mayor Brandt declared the motion carried.

**3.0 REPORTS OF OFFICERS**

**3.1 Mayor's Report**

**3.11 Proclamation Recognizing Friday, April 29, 2016 as Arbor Day in the Village of Lincolnshire**

Mayor Brandt made note of the Proclamation recognizing Arbor Day on April 29, 2016 at Laura B. Sprague School.

**3.12 Shoe Re-Use Drive**

Mayor Brandt stated Ben Brandt will be organizing the Shoe Re-Use Drive in Lincolnshire with drop-off locations at Laura B. Sprague School, Half Day School, Daniel Wright School, and the Lincolnshire Public Works Facility. The drive is taking place from Monday April 18<sup>th</sup> – Wednesday, April 27<sup>th</sup>.

**3.2 Village Clerk's Report - None**

**3.3 Village Treasurer's Report**

**3.31 Revenues and Expenditures for the Month of March, 2016**

Village Treasurer/Finance Director Peterson noted the Revenues and Expenditures for the month of March 2016 have been reviewed and funds appear to be in order.

3.4 Village Manager's Report - None

**4.0 PAYMENT OF BILLS**

**4.1 Bills Presented for Payment on April 11, 2016 in the amount of \$95,269.68**

Village Treasurer/Finance Director Peterson provided a summary of the April 11, 2016 bills prelist presented for payment with the total being \$95,269.68. The total amount is based on \$75,700 for General Fund, \$11,700 for Water & Sewer Fund, \$2,000 for Vehicle Maintenance, and \$5,900 for the General Capital Fund.

Trustee Feldman moved and Trustee Servi seconded the motion to approve the bills prelist as presented. The roll call vote was as follows: AYES: Trustees Feldman, Servi, Leider, and Mayor Brandt. NAYS: None. ABSENT: Trustees Grujanac, Hancock, and McDonough. ABSTAIN: None. Mayor Brandt declared the motion carried.

**5.0 CITIZENS WISHING TO ADDRESS THE BOARD (on agenda items only)**

**6.0 PETITIONS AND COMMUNICATIONS**

**7.0 CONSENT AGENDA**

**7.1 Approval of a Resolution Reallocating 2016 Volume Cap to the Village of Buffalo Grove, Illinois (Village of Lincolnshire)**

**7.2 Approval of a Contract with Standard Fencing Co., Inc. for Balzer Park Tennis Court Replacement in an Amount not to Exceed \$39,255 (Village of Lincolnshire)**

**7.3 Approval of Engagement Letter with Liberty Justice Center for Legal Representation Related to Open Meetings Act Complaint (Village of Lincolnshire)**

Trustee Servi moved and Trustee Leider seconded the motion to approve the Consent Agenda. The roll call vote was as follows: AYES: Trustees Feldman, Leider, Servi, and Mayor Brandt. NAYS: None. ABSENT: Trustees Grujanac, Hancock, and McDonough. ABSTAIN: None. The Mayor declared the motion carried.

**8.0 ITEMS OF GENERAL BUSINESS**

8.1 Planning, Zoning & Land Use

8.2 Finance and Administration

8.3 Public Works

**8.31 Approval of a Resolution for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code – January 1, 2016 to**

**December 31, 2016 (Village of Lincolnshire – Waiver of First Reading)**

Assistant Public Works Director/Village Engineer Dittrich provided a summary of the Resolution for maintenance of streets and highways by Municipality under the Illinois Highway Code – January 1, 2016 to December 31, 2016 noting the Resolution is to allocate \$75,000 to fund a portion of 2016 resurfacing program. Assistant Public Works Director/Village Engineer Dittrich noted staff requests waiver of the first reading.

Trustee Leider moved and Trustee Servi seconded the motion to waive the first reading for approval of a Resolution for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code – January 1, 2016 to December 31, 2016. The roll call vote was as follows: AYES: Trustees Feldman, Servi, Leider, and Mayor Brandt. NAYS: None. ABSENT: Trustees Grujanac, McDonough, and Hancock. ABSTAIN: None. The Mayor declared the motion carried.

Trustee Leider moved and Trustee Feldman seconded the motion to approve a Resolution for Maintenance of Streets and Highways by Municipality under the Illinois Highway Code – January 1, 2016 to December 31, 2016. The roll call vote was as follows: AYES: Trustees Feldman, Servi, Leider, and Mayor Brandt. NAYS: None. ABSENT: Trustees Grujanac, McDonough, and Hancock. ABSTAIN: None. The Mayor declared the motion carried.

8.4 Police

8.5 Parks and Recreation

8.6 Judiciary and Personnel

**9.0 REPORTS OF SPECIAL COMMITTEES**

**10.0 UNFINISHED BUSINESS**

**11.0 NEW BUSINESS**

**12.0 EXECUTIVE SESSION**

**13.0 ADJOURNMENT**

Trustee Leider moved and Trustee Servi seconded the motion to adjourn. The voice vote was unanimous and Mayor Brandt declared the meeting adjourned at 7:10 p.m.

Respectfully submitted,  
**VILLAGE OF LINCOLNSHIRE**

Barbara Mastandrea  
Village Clerk



## *Proclamation*

Building Safety Month — May, 2016

*Whereas, Lincolnshire's continuing efforts to address the critical issues of safety, energy efficiency, water conservation, and resilience in the built environment that affect our citizens, both in everyday life and in times of natural disaster, give us confidence that our structures are safe and sound, and;*

*Whereas, Lincolnshire's confidence is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, laborers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;*

*Whereas, these guardians—dedicated members of the International Code Council—use a governmental consensus process that brings together local, state and federal officials with expertise in the built environment to create and implement the highest-quality codes to protect Americans in the buildings where we live, learn, work, worship, play, and;*

*Whereas, the International Codes, the most widely adopted building safety, energy and fire prevention codes in the nation, are used by most U.S. cities, counties and states; these modern building codes also include safeguards to protect the public from natural disasters such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;*

*Whereas, Building Safety Month is sponsored by the International Code Council, to remind the public about the critical role of our communities' largely unknown guardians of public safety—our local code officials—who assure us of safe, efficient and livable buildings, and;*

*Whereas, "Building Codes: Driving Growth through Innovation, Resiliency and Safety" the theme for Building Safety Month 2016, encourages all Americans to raise awareness of the importance of building safe and resilient construction; fire prevention; disaster mitigation, water safety and conservation; energy efficiency and new technologies in the construction industry. Building Safety Month 2016 encourages appropriate steps everyone can take to ensure that the places where we live, learn, work, worship and play are safe and sustainable, and recognizes that countless lives have been saved due to the implementation of safety codes by local and state agencies, and,*

*Whereas, each year, in observance of Building Safety Month, Americans are asked to consider projects to improve building safety and sustainability at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.*

*NOW, THEREFORE, I, Elizabeth J. Brandt, Mayor of the Village of Lincolnshire, do hereby proclaim the month of May 2016 as Building Safety Month.*

*IN WITNESS WHEREOF, I sign my name this 25th day of April, 2016.*

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Elizabeth J. Brandt  
Mayor

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Barbara Mastandrea  
Village Clerk



**VILLAGE OF LINCOLNSHIRE**  
**BILLS PRESENTED FOR PAYMENT**  
April 25, 2016

General Fund	\$	137,604.77
Water & Sewer Fund	\$	198,628.53
Motor Fuel Tax		
Retirement Fund		
Water & Sewer Improvement Fund	\$	50,000.00
Fraud, Alcohol, Drug Enforcement		
Vehicle Maintenance Fund	\$	4,937.75
E 911 Fund		
Park Development Fund	\$	8,912.88
Sedgebrook SSA	\$	600.00
SSA Traffic Signal		
General Capital Fund	\$	5,245.56
GRAND TOTAL	\$	405,929.49

Brad Burke, Village Manager

INVOICE NUMBER	DESCRIPTION	AMOUNT
<b>VENDOR NAME: A T &amp; T</b>		
84729516650416	North Park Phone Svc 03/11 - 04/10/16	60.64
148060081-4/11/16	NP Internet Svc 2/12 - 5/11/2016	123.10
TOTAL VENDOR A T & T		183.74
<b>VENDOR NAME: ACCURATE DOCUMENT DESTRUCTION</b>		
13978489	Document Shredding 03/24/2016	77.22
TOTAL VENDOR ACCURATE DOCUMENT DESTRUCTIO		77.22
<b>VENDOR NAME: ACCURATE OFFICE SUPPLY</b>		
361162	Sorter, misc office supplies	107.15
TOTAL VENDOR ACCURATE OFFICE SUPPLY		107.15
<b>VENDOR NAME: ADVANCED TELECOMMUNI</b>		
49090	Balance of Phone System Upgrade	8,226.00
TOTAL VENDOR ADVANCED TELECOMMUNI		8,226.00
<b>VENDOR NAME: AECOM TECHNICAL SERV</b>		
37719153	Linc Creek Impr services Jan 2015 to Jan 22, 2016	1,519.27
TOTAL VENDOR AECOM TECHNICAL SERV		1,519.27
<b>VENDOR NAME: AIRGAS, INC</b>		
9934961750	Cylinder Rental	195.33
TOTAL VENDOR AIRGAS, INC		195.33
<b>VENDOR NAME: ALPHA BUILDING MAINT. SERVICE INC</b>		
16572VL	Janitorial services 4/1/16 to 4/30/16	2,084.57
TOTAL VENDOR ALPHA BUILDING MAINT. SERVICE IN		2,084.57
<b>VENDOR NAME: AMAZON.COM</b>		
110-9626935-2768253	Batteries, Flashdrives and Printer Ink	222.91
110-9881050-4721828	Replacement air filters for evidence room	119.96
111-4823014-0404202	Flashdrives	35.96
111-0815229-7207413	Tactical Rolling Duffle Bag for Emergency Operatic	270.90
A0123-9	Leather jump rope	28.18
A0123-8	Nordic-track GX 4.7 Exercise bike	530.19
A0123-6	20lb medicine ball	63.61
A0123-5	Barbell 6-tier medicine ball set	178.47
A0123-4	Square 36 exercise mat 8' x 6'	199.99
A0123-3	Freestanding training bag	139.99
A0123-2	300lb olympic barbell set	461.16
A0123-1	Barbell 2" plate rack	50.61
110-0795231-3557023	Emergency Operations Center ID Lanyards	26.95
115-0404645-6176225	31 Pocket Expanding Files for Records	32.97
TOTAL VENDOR AMAZON.COM		2,361.85
<b>VENDOR NAME: ANCEL GLINK DIAMOND</b>		
49672-1	March 2016 Legal Fees	4,515.00
49672	BD Escrow - 430 Milwaukee - Attorney Fees	56.25
49672	BD Escrow - 901 Milwaukee Ave.--Attorney Fees	450.00
49672	BD Escrow - 14600 Riverside - Attorneys Fees	281.25
49672	BD Escrow - 900 Milwaukee - Attorneys Fees	1,462.50
49672	BD Escrow - 410 Milwaukee - Attorneys Fees	112.50
49672	BD Escrow - 300 Parkway - Attorneys Fees	506.25
49672	BD Escrow - 1700 Riverwoods - Attorneys Fees	112.50
TOTAL VENDOR ANCEL GLINK DIAMOND		7,496.25
<b>VENDOR NAME: APWA WORK ZONE</b>		
Fleet Foreman Ad	Job posting for Fleet Foreman position in Public Wc	295.00
TOTAL VENDOR APWA WORK ZONE		295.00
<b>VENDOR NAME: AWARD.COM</b>		
A35454160401140459	2015 Officer of the Year Award	79.47
TOTAL VENDOR AWARD.COM		79.47

INVOICE NUMBER	DESCRIPTION	AMOUNT
<b>VENDOR NAME: B &amp; F CONSTRUCTION CODE SERVICES</b>		
43744	200 TriState,Ste.525--Intr.Office Altrns. Review	895.50
TOTAL VENDOR B & F CONSTRUCTION CODE SERVIC		895.50
<b>VENDOR NAME: BAXTER &amp; WOODMAN INC</b>		
0185324	Limited subsurface soils investigation	990.00
TOTAL VENDOR BAXTER & WOODMAN INC		990.00
<b>VENDOR NAME: BENISTAR</b>		
05012016	May 2016 Retirement/Medicare Health	954.00
TOTAL VENDOR BENISTAR		954.00
<b>VENDOR NAME: BHFX DIGITAL IMAGING</b>		
232006	Plotter ink - Magenta	85.00
TOTAL VENDOR BHFX DIGITAL IMAGING		85.00
<b>VENDOR NAME: BLANK ACQUISITION LLC</b>		
77883	Printable yellow door hangers	75.80
TOTAL VENDOR BLANK ACQUISITION LLC		75.80
<b>VENDOR NAME: BONNELL INDUSTRIES INC.</b>		
0168572-IN	Screw pin anchor shackle	118.66
TOTAL VENDOR BONNELL INDUSTRIES INC.		118.66
<b>VENDOR NAME: BURKE, CHRISTOPHER</b>		
128286	Pocket Park engineering services 2/28 to 3/26/16	8,912.88
TOTAL VENDOR BURKE, CHRISTOPHER		8,912.88
<b>VENDOR NAME: BURRIS EQUIPMENT CO.</b>		
PI161641	Kubota air filters	53.41
TOTAL VENDOR BURRIS EQUIPMENT CO.		53.41
<b>VENDOR NAME: CALL ONE</b>		
04152016	Monthly Phone Bill 1122574 04/15/2016	1,153.26
TOTAL VENDOR CALL ONE		1,153.26
<b>VENDOR NAME: CDW COMPUTER CENTERS</b>		
CRR9504	Additional Antivirus licensing	37.50
TOTAL VENDOR CDW COMPUTER CENTERS		37.50
<b>VENDOR NAME: CHICAGO COMMUNICATIONS, LLC</b>		
281654	May 2016 Monthly Maintenance for Emergency Eq	634.15
TOTAL VENDOR CHICAGO COMMUNICATIONS, LLC		634.15
<b>VENDOR NAME: CHICAGO TRIBUNE</b>		
002612633	BD Escrow - 430 Milwaukee Ave.-Public Hearing N	46.69
TOTAL VENDOR CHICAGO TRIBUNE		46.69
<b>VENDOR NAME: CHICAGO TRIBUNE MEDIA GROUP</b>		
002612633pw	Publish bid notices Pocket park, Wtr meter	82.98
TOTAL VENDOR CHICAGO TRIBUNE MEDIA GROUP		82.98
<b>VENDOR NAME: CL GRAPHICS</b>		
63636	Print Letterhead	516.08
63647	Liewehr & T. Taylor Business Cards	140.76
TOTAL VENDOR CL GRAPHICS		656.84
<b>VENDOR NAME: COMED</b>		
6520050011-04-16	100 Fallstone pumping meter electric service 3-8 to	120.94
7299013001-04-16	Utility pumping meters electric service 430 Farringt	152.61
7128083006-04-16	Utility pumping meters electric supply 3 Westwood 3	103.52

INVOICE NUMBER	DESCRIPTION	AMOUNT
<b>VENDOR NAME: COMED</b>		
5760114015-04-16	Multi-location utilities pumping meters electric servic	108.80
5225087020-04-16	RNC electric service, cost shared with SD103 50%-	355.04
3038275001-04-16	Whytegate Park electric supply 3-8 to 4-7-16	32.95
3038188003-04-16	Northampton utility meter electric service 3-8 to 4-5-	24.82
0995113016-04-16	400 Milw Village sign electric service 3-7 to 4-7-16	48.96
0777044014-04-16	Old Mill liftstation electric service 3-9 to 4-5-16	115.88
0339014158-04-16	Streetlighting Riverwoods @ Everett 3-8 to 4-5-16	8.50
0268410000-04-16	Northampton utilities pumping 3-8 to 4-5-16	100.33
6123019023-04-16	Steretlighting master account 3-9 to 4-7-16	263.60
TOTAL VENDOR COMED		1,435.95
<b>VENDOR NAME: COMPASS MINERALS AMERICA, INC</b>		
71471696	Rock salt	3,367.74
TOTAL VENDOR COMPASS MINERALS AMERICA, INC		3,367.74
<b>VENDOR NAME: CONSTELLATION ENERGY</b>		
64737288	Electricity supply 3-3 to 4-4-16 Spring Lake Park	178.94
64737449	Utilities pumping various loc electricity supply 3-4 to	3,271.11
64737779	RNC electric supply 3/4 to 4/4/16	530.54
64776770	North Park electricity supply 3-8 to 4-5-16	660.01
TOTAL VENDOR CONSTELLATION ENERGY		4,640.60
<b>VENDOR NAME: DICK'S SPORTING GOODS</b>		
3470901757	Sole F63 Treadmill	1,104.97
TOTAL VENDOR DICK'S SPORTING GOODS		1,104.97
<b>VENDOR NAME: DOOR SYSTEMS</b>		
822389	Repair VH police garage door on 4-6-16	554.46
TOTAL VENDOR DOOR SYSTEMS		554.46
<b>VENDOR NAME: DROPBOX</b>		
2016-04	April 2016 Fee	9.99
TOTAL VENDOR DROPBOX		9.99
<b>VENDOR NAME: EDDIE MERLOT'S</b>		
04142016	ID Theft Presentation 04/14/2016	120.00
TOTAL VENDOR EDDIE MERLOT'S		120.00
<b>VENDOR NAME: ELEVATOR INSPECTION SERVICES</b>		
57189	475 Half Day Rd.--4 Pit Ladders-Reviews/Inspection	320.00
TOTAL VENDOR ELEVATOR INSPECTION SERVICES		320.00
<b>VENDOR NAME: FEDEX</b>		
5-382-57142	Overnight ship test results to IEPA	55.15
TOTAL VENDOR FEDEX		55.15
<b>VENDOR NAME: GEWALT HAMILTON ASSOCIATES</b>		
3794.543-1	Eng services 2015 Annexation plats	3,190.50
TOTAL VENDOR GEWALT HAMILTON ASSOCIATES		3,190.50
<b>VENDOR NAME: GLOEDE TRACI</b>		
T&T 031416-032516	Reimburse Traci Gloede Parking & Meals for Crash	105.05
TOTAL VENDOR GLOEDE TRACI		105.05
<b>VENDOR NAME: GOVHR USA, LLC</b>		
1-4-16-083	Prof Fees for Recruitment of Pol Chief	3,834.00
1-4-16-084	Prof Fees for Recruitment of Asst VM/CED Dir	5,000.00
TOTAL VENDOR GOVHR USA, LLC		8,834.00
<b>VENDOR NAME: HAYES MECHANICAL LLC</b>		
365747	Checked VH temp controls and adjusted service 3/1	457.00

INVOICE NUMBER	DESCRIPTION	AMOUNT
<b>VENDOR NAME: HAYES MECHANICAL LLC</b>		
	TOTAL VENDOR HAYES MECHANICAL LLC	457.00
<b>VENDOR NAME: HIGHLAND PARK, CITY</b>		
010223-03-16	03/2016 Water Purchase 6010cf Metr 010223	11,527.18
010222-03-16	03/2016 Water Purchase 40778 cf Metr 010222	78,212.20
	TOTAL VENDOR HIGHLAND PARK, CITY	89,739.38
<b>VENDOR NAME: ILLINOIS EPA</b>		
2016 T Hawkins	Drink water Operator Certification fee for Hawkins	10.00
	TOTAL VENDOR ILLINOIS EPA	10.00
<b>VENDOR NAME: ILLINOIS SECRETARY OF STATE</b>		
1FMSK8AR5FGB2590	Renew Registration Investigations SUV vin#1FMSK	101.00
	TOTAL VENDOR ILLINOIS SECRETARY OF STATE	101.00
<b>VENDOR NAME: INTERIOR INVESTMENTS, LLC</b>		
2016 0331	Sales Tax Rebate 1st Qtr	47,851.00
	TOTAL VENDOR INTERIOR INVESTMENTS, LLC	47,851.00
<b>VENDOR NAME: INTERNATIONAL SOCIET</b>		
Arb Cert Guide	Arborists Certification Study Guide	97.55
	TOTAL VENDOR INTERNATIONAL SOCIET	97.55
<b>VENDOR NAME: IPRF</b>		
33044	Workers Comp and Admin Fee- June	14,578.00
	TOTAL VENDOR IPRF	14,578.00
<b>VENDOR NAME: J. G. UNIFORMS, INC.</b>		
42313	Vest Covers - A. Hyde	373.13
	TOTAL VENDOR J. G. UNIFORMS, INC.	373.13
<b>VENDOR NAME: LAKE COUNTY PARTNERS</b>		
09042015	Lake County Partners - 2016 Investment/Membersh	1,455.00
	TOTAL VENDOR LAKE COUNTY PARTNERS	1,455.00
<b>VENDOR NAME: LAKE COUNTY PUBLIC WORKS</b>		
P16-0009SW	Swr Connect for 81 Riverwoods, 15-13-300-069, Re	3,780.00
LCPW-03312016	Sanitary sewer treatment bill dates	94,320.00
	TOTAL VENDOR LAKE COUNTY PUBLIC WORKS	98,100.00
<b>VENDOR NAME: LAKE COUNTY RECORDER OF DEEDS</b>		
2016-00011826	BD Escrow - 901 Milwaukee-Recording Ordinance	248.00
	TOTAL VENDOR LAKE COUNTY RECORDER OF DEEDS	248.00
<b>VENDOR NAME: LAKE FOREST ACUTE CARE</b>		
2891822	Various pre-employment drug screens	600.00
	TOTAL VENDOR LAKE FOREST ACUTE CARE	600.00
<b>VENDOR NAME: LIBERTYVILLE CHEVROLET</b>		
161074	Repairs for truck #237	2,000.34
	TOTAL VENDOR LIBERTYVILLE CHEVROLET	2,000.34
<b>VENDOR NAME: LINCOLNSHIRE RIVERWOODS FPD</b>		
3207	200 TriState,Ste.525 - Life Safety Review	200.00
	TOTAL VENDOR LINCOLNSHIRE RIVERWOODS FPD	200.00
<b>VENDOR NAME: LINCOLNSHIRE VILLAGE-PETTY CASH</b>		
04252016	Petty Cash Reimbursements 04/25/2016	104.84
	TOTAL VENDOR LINCOLNSHIRE VILLAGE-PETTY CASH	104.84

INVOICE NUMBER	DESCRIPTION	AMOUNT
<b>VENDOR NAME: LOGSDON OFFICE SUPPL</b>		
0968424-001	Color copier paper, misc supplies for other prices se	356.43
0968070-001	Cover sheets for binding, single source found for typ	36.52
TOTAL VENDOR LOGSDON OFFICE SUPPL		392.95
<b>VENDOR NAME: MADISON NATIONAL LIFE INS CO, INC</b>		
1207418	May 2016 Life Insurance	1,288.88
04292016	Amount due from 04/29/2016 Payroll Deductions	33.51
TOTAL VENDOR MADISON NATIONAL LIFE INS CO, INC		1,322.39
<b>VENDOR NAME: MANSFIELD OIL COMPANY</b>		
327006	Diesel Fuel	1,412.20
TOTAL VENDOR MANSFIELD OIL COMPANY		1,412.20
<b>VENDOR NAME: MICHAEL MERANDA JR.</b>		
161504	4/11/16 RVB/COW Mtg & 4/12/16 ARB Mtg	270.00
160804	4/4/16 RVB/COW Mtg	120.00
TOTAL VENDOR MICHAEL MERANDA JR.		390.00
<b>VENDOR NAME: MICHELS CORPORATION</b>		
Settlement Agreement	Settlement for release of claim; Fox Trail Watermain	50,000.00
TOTAL VENDOR MICHELS CORPORATION		50,000.00
<b>VENDOR NAME: MUNICAP INC</b>		
042016-042	March services	375.00
TOTAL VENDOR MUNICAP INC		375.00
<b>VENDOR NAME: MUNICIPAL GIS PARTNERS, INC.</b>		
2960	GIS staffing and services March 2016	4,868.30
TOTAL VENDOR MUNICIPAL GIS PARTNERS, INC.		4,868.30
<b>VENDOR NAME: NATIONAL ASSOCIATION</b>		
NNO3239	NNO Caps and Tattoos	227.80
TOTAL VENDOR NATIONAL ASSOCIATION		227.80
<b>VENDOR NAME: NORTH SUBURBAN EMPLOYEE BENEFIT COO</b>		
2016-05	May 2016 Dental Insurance	6,376.00
TOTAL VENDOR NORTH SUBURBAN EMPLOYEE BENE		6,376.00
<b>VENDOR NAME: NORTHEASTERN IL REGIONAL CRIME LAB</b>		
969	2016/2017 Crime Lab Membership	12,699.00
TOTAL VENDOR NORTHEASTERN IL REGIONAL CRIME		12,699.00
<b>VENDOR NAME: NORTHERN ILLINOIS UNIVERSITY</b>		
558708	Registration Women's Conference Covelli and Tazz	330.00
TOTAL VENDOR NORTHERN ILLINOIS UNIVERSITY		330.00
<b>VENDOR NAME: NORTHWEST POLICE ACADEMY</b>		
04142016	Nuts & Bolts of Labor and Employment Law Trainir	50.00
TOTAL VENDOR NORTHWEST POLICE ACADEMY		50.00
<b>VENDOR NAME: OPTICS PLANET</b>		
7277170	Blackhawk Epoch Level 3 Duty Holster - Hyde	87.00
7345756	Less Lethal Orange Shotgun Stocks w/Forend	135.92
TOTAL VENDOR OPTICS PLANET		222.92
<b>VENDOR NAME: PADDOCK PUBLICATIONS</b>		
T4437757	BD Escrow - 300 Parkway--Public Hearing Notice	169.50
TOTAL VENDOR PADDOCK PUBLICATIONS		169.50
<b>VENDOR NAME: PATCH 22</b>		

INVOICE NUMBER	DESCRIPTION	AMOUNT
<b>VENDOR NAME: PATCH 22</b>		
PI0035146830	NNO Petting Zoo Down Payment	100.00
TOTAL VENDOR PATCH 22		100.00
<b>VENDOR NAME: PATTEN INDUSTRIES INC</b>		
PM600254553	Generator maintenance	1,322.00
TOTAL VENDOR PATTEN INDUSTRIES INC		1,322.00
<b>VENDOR NAME: PAYLOCITY</b>		
102127860	Pay Services 04/15/16	382.82
TOTAL VENDOR PAYLOCITY		382.82
<b>VENDOR NAME: PBA, INC./FLEXIBLE BENEFITS</b>		
129210	Partial March & April 2016 Flex Fees	225.00
TOTAL VENDOR PBA, INC./FLEXIBLE BENEFITS		225.00
<b>VENDOR NAME: PIONEER PRESS</b>		
167766733	2016 Lincolnshire Review Subscription	52.00
TOTAL VENDOR PIONEER PRESS		52.00
<b>VENDOR NAME: PLATINUM SNOW REMOVAL</b>		
130	South Village Green snow and salt service	925.00
TOTAL VENDOR PLATINUM SNOW REMOVAL		925.00
<b>VENDOR NAME: PSN, INC.</b>		
126656	03 2016 Lockbox Services	740.35
TOTAL VENDOR PSN, INC.		740.35
<b>VENDOR NAME: QUILL CORPORATION</b>		
4685232	Folders and envelopes	67.48
TOTAL VENDOR QUILL CORPORATION		67.48
<b>VENDOR NAME: RYDIN DECAL</b>		
316806	2016 Amusement Device Licenses	179.23
TOTAL VENDOR RYDIN DECAL		179.23
<b>VENDOR NAME: SCHINDLER ELEVATOR CORP</b>		
8104249633	VH elevator PM and maint 4-1-16 to 6-30-16	584.22
TOTAL VENDOR SCHINDLER ELEVATOR CORP		584.22
<b>VENDOR NAME: SIMPSON M. E.</b>		
28372	Leak detection services	610.00
TOTAL VENDOR SIMPSON M. E.		610.00
<b>VENDOR NAME: TASER INTERNATIONAL</b>		
SI1434139	30 Smart Cartidges for Tasers	990.96
TOTAL VENDOR TASER INTERNATIONAL		990.96
<b>VENDOR NAME: TASER TRAINING ACADEMY</b>		
TASE43631	TASER Instructor Recert - Jason Zange	225.00
TOTAL VENDOR TASER TRAINING ACADEMY		225.00
<b>VENDOR NAME: TRXTRAINING.COM</b>		
TRX00282126	TRX suspension trainer band system	265.57
TOTAL VENDOR TRXTRAINING.COM		265.57
<b>VENDOR NAME: US BANK- CORP TRUST</b>		
4250613	Semi Annual Paying Agent Fee	225.00
TOTAL VENDOR US BANK- CORP TRUST		225.00

CUSTOM INVOICE REPORT FOR VILLAGE OF LINCOLNSHIRE  
INVOICE DUE DATES 04/12/2016 - 04/25/2016  
JOURNALIZED  
BOTH OPEN AND PAID

INVOICE NUMBER	DESCRIPTION	AMOUNT
<b>VENDOR NAME: VERIZON WIRELESS</b>		
9762989499	Cellular Phone Service & Squad Laptops 03/02- 04/	994.79
TOTAL VENDOR VERIZON WIRELESS		994.79
<b>VENDOR NAME: VIMEO PLUS</b>		
2016-1	2016 Annual Video Hosting Services	53.96
TOTAL VENDOR VIMEO PLUS		53.96
<b>VENDOR NAME: WALMART.COM</b>		
3661681804835	Marcy Combo Smith Machine SM-4008	703.55
TOTAL VENDOR WALMART.COM		703.55
<b>VENDOR NAME: WILLOW CREEK COMMUNITY CHURCH</b>		
B15-0049T	BD Tree Bond Refund - 625 Barclay - Willow Creek	750.00
TOTAL VENDOR WILLOW CREEK COMMUNITY CHURC		750.00
<b>VENDOR NAME: XEROX CORPORATION</b>		
083979859	Meme usage 2/21/16 to 3/21/16	337.97
083979860	Coco base charge 2/21/16 to 3/21/16	178.00
083979857	Nemo 2/21/16 to 3/21/16	57.00
083979860-overages	Coco billable prints 2-21-16 to 3-21-16	147.36
TOTAL VENDOR XEROX CORPORATION		720.33
		<b>405,929.49</b>



April 20, 2016

Attn: Board Members and Trustees  
Lincolnshire Village Board  
1 Old Half Day Road  
Lincolnshire, IL 60069

Village Board Members and Trustees,

We are the teens of REALITY Illinois and the Youth Advisory Board. REALITY Illinois is a statewide, teen-led, tobacco prevention and advocacy group and is a program of the Lake County Health Department and Community Health Center. The Youth Advisory Board is part of the Lake County Underage Drinking and Drug Prevention Task Force. These two groups have combined forces to create one group with a common mission - to promote a healthy, substance free lifestyle among their peers.

Our 2015/2016 group consists of over 23 students from Lake County. We represent the following high schools: Warren Township, Zion Benton, Libertyville, Grayslake Central, Wauconda, Lakes, Stevenson, and Carmel Catholic. In addition to policy work, we also work together to plan drug and alcohol prevention activities for our schools and write and record radio ads for WXLN 102.3 each year to help spread prevention messages to the Lake County community.

We appreciate the time you have allotted for us to speak to you regarding electronic smoking devices. We look forward to providing you with the information we've gathered through extensive research and community surveys throughout Lake County. If you have any questions prior to our presentation scheduled for Monday April 25<sup>th</sup>, please do not hesitate to reach out to us. We can be contacted via email at [LCUDPTF@gmail.com](mailto:LCUDPTF@gmail.com).

Very Respectfully,

Reality Illinois and Youth Advisory Board Members



**ChangeLab Solutions**  
Law & policy innovation for the common good.

# Model California Ordinance Regulating Electronic Smoking Devices (with Annotations)

June 2013

*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.*

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## INTRODUCTION

ChangeLab Solutions developed this Model Ordinance to help local government regulate the use and sale of electronic smoking devices. By restricting the use of electronic smoking devices in places where smoking is prohibited, cities and counties protect their residents from involuntary exposure to the secondhand byproducts of electronic smoking devices such as “e-vapor,” reduce the likelihood that children will associate the use of electronic smoking devices with healthful behavior, and reduce the likelihood that smoking in public places and places of employment will become “re-normalized.” By regulating how electronic smoking devices are sold, cities and counties help to ensure compliance with local business standards, and to reduce youth access to electronic smoking devices.

The Model Ordinance offers a variety of options. In some instances, blanks (e.g., [ \_\_\_\_ ] ) prompt you to customize the language to fit your community’s needs. In other cases, the ordinance offers you a choice of options (e.g., [ choice one / choice two ] ). Some of the options are followed by a comment that describes the legal provisions in more detail. Some degree of customization is always necessary in order to make sure that the ordinance is consistent with a community’s existing laws. Your city attorney or county counsel will likely be the best person to check this for you.

If you would like to adopt a more customized approach, some aspects of other ordinances from ChangeLab Solutions can be combined with this ordinance: for example, we can provide model language to regulate the use and sale of other emerging products that may not be covered by this policy or existing federal, state or local law, such as nicotine lozenges, nicotine water, nicotine lollipops, etc.

In addition, communities which already have a tobacco retailer licensing law and/or a law prohibiting tobacco product sampling could easily incorporate the provisions of this ordinance into their existing laws. For those communities without a tobacco retailer licensing law that are interested in requiring retailers of electronic smoking devices to obtain a license, ChangeLab Solutions has a model Tobacco Retailer Licensing Ordinance available on our website which includes electronic smoking devices along with all other tobacco products.

If you have questions about how to adapt this ordinance for your community, please contact ChangeLab Solutions through our website at [www.changelabsolutions.org/tobaccoquestions](http://www.changelabsolutions.org/tobaccoquestions) for assistance.

**AN ORDINANCE OF THE [ CITY / COUNTY ] OF [ \_\_\_\_ ]  
AMENDING THE [ \_\_\_\_ ] MUNICIPAL CODE TO REGULATE  
ELECTRONIC SMOKING DEVICES**

The [ City Council of the City / Board of Supervisors of the County ] of [ \_\_\_\_ ] does ordain as follows:

**COMMENT:** This is introductory boilerplate language that should be adapted to the conventional form used in the jurisdiction.

**SECTION I. FINDINGS.**

The [ City Council of the City / Board of Supervisors of the County ] of [ \_\_\_\_ ] hereby finds and declares as follows:

WHEREAS, electronic smoking devices, commonly known as “e-cigarettes,” “e-cigars,” “e-cigarillos,” “e-pipes,” “e-hookahs,” etc., are battery operated devices designed to look like and to be used in the same manner as conventional tobacco products;<sup>i</sup> and

WHEREAS, electronic smoking devices employ the use of a cartridge, generally containing up to 20 mg of nicotine,<sup>ii</sup> to deliver vaporized nicotine to users;<sup>iii</sup> and

WHEREAS, some cartridges used by electronic smoking devices can be re-filled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine;<sup>iv</sup> and

WHEREAS, the U.S. Food and Drug Administration (FDA) conducted laboratory analysis of electronic smoking device cartridges and found the following:

- Diethylene glycol, an ingredient used in antifreeze and toxic to humans, was found in one cartridge;
- Certain tobacco-specific nitrosamines, which are human carcinogens, were detected in half of the samples tested;
- Tobacco-specific impurities suspected of being harmful to humans—anabasine, myosmine, and  $\beta$ -nicotyrine—were detected in a majority of the samples tested;
- All but one tested cartridge labeled as containing no nicotine did in fact contain low levels of nicotine;
- Three identically labeled cartridges emitted markedly different amounts of nicotine with each puff. Nicotine levels per 100 mL puff ranged dramatically from 26.8 to 43.2 mcg nicotine; and
- One high-nicotine cartridge delivered twice as much nicotine to users as was delivered by a nicotine inhalation product approved by FDA for use as a smoking cessation aid which was used as a control; and

WHEREAS, a study published in the American Journal of Public Health found similar results to the FDA testing and concluded that the electronic smoking devices tested so far have demonstrated “poor quality control; toxic contaminants, albeit at low levels; misrepresentation of the nicotine delivered; and insufficient evidence of the overall public health benefit”;<sup>v</sup> and

WHEREAS, clinical studies about the safety and efficacy of electronic smoking devices for their intended use have not been submitted to the FDA, and for this reason, consumers currently have no way of knowing:<sup>vi</sup>

- Whether electronic smoking devices are safe for their intended use;
- What types or concentrations of potentially harmful chemicals the products contain; and
- What dose of nicotine the products deliver; and

WHEREAS, the World Medical Association has determined that electronic smoking devices “are not comparable to scientifically-proven methods of smoking cessation” and that “neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established”;<sup>vii</sup> and

WHEREAS, the FDA has raised concerns that electronic smoking devices, which are often marketed in appealing flavors, can increase nicotine addiction among young people and may lead youth to try conventional tobacco products;<sup>viii</sup> and

WHEREAS, the FDA has also raised concerns that electronic smoking devices are marketed and sold to young people and are readily accessible online and via mall kiosks;<sup>ix</sup> and

WHEREAS, the federal law restricting the sale of tobacco products to minors currently applies only to cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco, not electronic smoking devices;<sup>x</sup> and

WHEREAS, between 2010 and 2011, rates of both awareness and use of unregulated electronic smoking devices by adults increased significantly;<sup>xi</sup> and

WHEREAS, electronic smoking devices often mimic conventional tobacco products in shape, size, and color,<sup>xii</sup> with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products;<sup>xiii</sup> and

WHEREAS, a study published in the Journal of Environmental and Public Health suggests that electronic smoking devices “may have the capacity to ‘re-normalize’ tobacco use in a demographic that has had significant denormalization of tobacco use previously”;<sup>xiv</sup> and

WHEREAS, the use of electronic smoking devices in smokefree locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment.

NOW THEREFORE, it is the intent of the [ City Council / County Board of Supervisors ], in

enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the use of Electronic Smoking Devices around non-users, especially children; by protecting the public from exposure to secondhand byproducts of Electronic Smoking Devices where they live, work, and play; by facilitating uniform and consistent enforcement of smoke-free air laws; by reducing the potential for re-normalizing smoking in public places and places of employment; by reducing the potential for children to associate the use of electronic smoking devices with a normative or healthy lifestyle; and by prohibiting the sale or distribution of Electronic Smoking Devices to minors.

**SECTION II.** [ Article / Chapter ] of the [ \_\_\_\_ ] Municipal Code is hereby amended to read as follows:

**Sec. [ \_\_\_\_ (\*1) ]. DEFINITIONS.** The following words and phrases, whenever used in this [ article / chapter ] shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) “Business” means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for purposes that include profit-making.
- (b) “Electronic Smoking Device” means an electronic and/or battery-operated device, the use of which may resemble smoking, that can be used to deliver an inhaled dose of nicotine or other substances. “Electronic Smoking Device” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

**COMMENT:** This definition is broad enough to cover all Electronic Smoking Devices regardless of whether they are being used to deliver nicotine or other substances. This allows for consistency in enforcement, eliminating the need to determine the contents of an Electronic Smoking Device before enforcement.

- (c) “Employee” means any Person who is employed or retained as an independent contractor by any Employer or Nonprofit Entity in consideration for direct or indirect monetary wages or profit, or any Person who volunteers his or her services for an Employer or Nonprofit Entity.

**COMMENT:** This definition makes clear that volunteers and independent contractors are Employees for purposes of this section.

- (d) “Employer” means any Business or Nonprofit Entity that retains the service of one or more Employees.
- (e) “Nonprofit Entity” means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political,

social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a Nonprofit Entity within the meaning of this [ [article](#) / [chapter](#) ].

**COMMENT:** This definition is broader than the IRS designation of a nonprofit organization in order to cover more informal groups and associations.

- (f) “Nominal Cost” means the cost of any item imposed for the transfer from one person to another for less than the total of: (1) [ [twenty-five percent \(25%\)](#) ] of the fair market value of the item exclusive of taxes and government fees; plus (2) all taxes and government fees previously paid and all taxes and government fees still due on the item at the time of transfer.

**COMMENT:** “Nominal cost” is used in the definition of “nonsale distribution” below and this definition provides a bright-line rule as to what price is so low as to be prohibited by this ordinance.

**NOTE:** The value listed, 25%, is subject to change. If a city or county wishes to prohibit “two for one” offers, the value can be raised to 50%. A higher value (e.g., 50%) essentially adds a simple “minimum price” component to the ordinance. Some communities may wish to take advantage of this additional curb on the availability of cheap or discounted Electronic Smoking Devices. However, to the extent that common retail practices are affected, additional political resistance to the ordinance may be created. If you choose to regulate these practices, additional findings could be added to document the practices’ harmful effects, focusing on business impacts such as an unlevel playing field among retailers, predatory pricing, and anti-competitive behavior.

- (g) “Nonsale Distribution” means to give, or cause or allow to be given within the jurisdictional limits of the [ [city](#) / [county](#) ], an Electronic Smoking Device at no cost or at Nominal Cost to a Person who is not a Tobacco Seller.
- (h) “Person” means any natural person, Business, cooperative association, Employer, Nonprofit Entity, personal representative, receiver, trustee, assignee, or any other legal entity including a government agency.

**COMMENT:** The Municipal Code may contain a definition of “person;” review any existing definition of “person” in the Municipal Code to determine whether to include this definition in your ordinance.

**Note:** If Section [ (\*5)(g) ] — private citizen enforcement — is included in the ordinance, keep this specific definition of “Person.”

This definition incorporates numerous entities including Business, Employer, Nonprofit Entity, landlord, and individual. In addition, it includes the City or County.

- (i) “Public Place” means any place within the [ city / county ], public or private, that is open to the general public regardless of any fee or age requirement, including, for example, bars, restaurants, clubs, stores, stadiums, parks, playgrounds, taxis, and buses [ and means any place used by a membership association or club at which non-member guests are present or permitted, including, for example and without limitation, fraternity and sorority houses ].

**COMMENT:** If a “public place” limitation is desired, then a further choice must be made whether or not to regulate membership organizations. To regulate membership organizations, include the phrase that is underlined and bracketed above. However, if membership organizations are to be excluded from coverage, omit that language. Note that membership organizations *are* covered if the “public place” limitation is not imposed (i.e., no part of this definition is included).

- (j) “Retailer” means any Person who sells, offers for sale, or does or offers to exchange for any form of consideration, Electronic Smoking Devices. “Retailing” means the doing of any of these things. This definition is without regard to the quantity of the Electronic Smoking Devices sold, offered for sale, exchanged, or offered for exchange.
- (k) “Self-Service Display” means the open display or storage of Electronic Smoking Devices in a manner that is physically accessible in any way to the general public without the assistance of a Retailer or Employee of a Retailer and a direct person-to-person transfer between a Retailer or Employee of a Retailer and any other Person. A vending machine is a form of Self-Service Display.
- (l) “Smoking” means possessing a lighted pipe, a lighted hookah pipe, a lighted cigar, a lighted cigarette of any kind, or an operating Electronic Smoking Device and means the lighting or igniting of a pipe, a hookah pipe, a cigar, a cigarette of any kind, or an Electronic Smoking Device.

**COMMENT:** This definition is explicitly broad enough to include the vapors produced by Electronic Smoking Devices.

## Sec. [ \_\_\_\_ (\*2) ]. PROHIBITION OF ELECTRONIC SMOKING DEVICE USE IN SMOKE-FREE PLACES

- (a) It shall be a violation of this [ article / chapter ] to use an Electronic Smoking Device in any place within the [ City / County of \_\_\_\_ ] where Smoking is prohibited by law.

- (b) No Person, Employer, or Nonprofit Entity shall knowingly permit the use of Electronic Smoking Devices in an area under the legal or de facto control of that Person, Employer or Nonprofit Entity and in which Smoking is prohibited by law.

**COMMENT:** This provision makes anyone who is in control of an area responsible for Electronic Smoking Device use in violation of this and other no-smoking laws. Thus, enforcement actions can be taken against a Business, landlord, Employer, or Nonprofit Entity, in addition to an individual user, who knowingly breaks the law.

**Sec. [ \_\_\_\_ (\*3) ]. RETAILING REQUIREMENTS AND PROHIBITIONS**

- (a) Sale to minors prohibited. It shall be a violation of this [ article / chapter ] to sell, give or furnish, or cause to be sold, given or furnished, an Electronic Smoking Device to a natural Person under 18 years of age in any place within the [ City / County of \_\_\_\_ ].

**COMMENT:** California Health and Safety Code Section 119405 already prohibits the sale of e-cigarettes to anyone under the age of 18. In addition to potentially covering a broader range of products, this provision gives a city or county additional enforcement options with regard to e-cigarettes: either enforcing Health and Safety Code section 119405 (pursuant to Penal Code section 830.1) and/or by using the enforcement mechanisms created by this ordinance.

- (b) Positive identification required. No Retailer shall sell, give or furnish an Electronic Smoking Device to a natural Person who appears to be under the age of [twenty-seven (27)] years without first examining identification to confirm that the recipient is at least 18 years of age.

**COMMENT:** This provision eliminates the excuse that a purchaser arguably looked to be 18 years old. Perhaps more importantly, it allows compliance checks to be conducted with persons who are 18 or 19 years old, which eliminates the need to seek immunity from the district attorney for youth who act as decoys in operations testing a Retailer's compliance with youth access laws and eliminates the issue of potentially putting minors in harm's way.

- (c) Self-Service Displays of Electronic Smoking Devices are prohibited.

**COMMENT:** Note, this provision prohibits the sale of Electronic Smoking Devices through vending machines, because the definition of Self-Service Display expressly includes vending machines.

- (d) Nonsale Distribution Prohibited. No Person, motivated by an economic or a business purpose, shall engage in the Nonsale Distribution of any Electronic Smoking Device [in any Public Place.]

**COMMENT:** If a compromise is necessary, the prohibition on Nonsale Distribution can be limited to Public Places. If such language is included, the “Public Place” definition noted in the Definitions section must also be included.

**Sec. [ \_\_\_\_ (\*4) ]. NON-RETALIATION.**

No Person, Employer, or Nonprofit Entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another Person who or which seeks to attain compliance with this [ article / chapter ].

**Sec. [ \_\_\_\_ (\*5) ]. PENALTIES AND ENFORCEMENT.**

- (a) The remedies provided by this [ article / chapter ] are cumulative and in addition to any other remedies available at law or in equity.

**COMMENT:** The following provisions are designed to offer a variety of enforcement options to the drafter and to the enforcing agency. Drafters may choose to include some or all of these options. Once the ordinance is enacted, the enforcing agency will have the discretion to choose which enforcement tools to use in general and in a particular case. As a practical matter, these enforcement options would not be applied simultaneously, although multiple remedies might be used against a particularly egregious violator over time. If the City or County Code already includes comprehensive enforcement provisions that apply generally to violations of the Code, these sections of the model ordinance can be replaced with a cross reference to the general enforcement chapter: “A violation of this [ article / chapter ] is punishable as provided in [ article / chapter ] of this Code.”

- (b) Each use of an Electronic Smoking Device in violation of this [ article / chapter ] is an infraction subject to a [ one hundred dollar (\$100) ] fine [ or otherwise punishable pursuant to section \_\_\_\_ of this code ]. Other violations of this [ article / chapter ] may, in the discretion of the [ City Prosecutor / District Attorney ], be prosecuted as infractions or misdemeanors when the interests of justice so require. Enforcement of this chapter shall be the responsibility of [ \_\_\_\_ ]. In addition, any peace officer or code enforcement official also may enforce this chapter.

**COMMENT:** The first sentence establishes the penalty for using Electronic Smoking Devices where they are prohibited. The fine amount can be modified but cannot exceed \$100 for a first infraction. (See California Government Code section 36900(b).) It is separated from the main enforcement provision that follows, so that law enforcement officers can simply write a ticket for illegal Electronic Smoking Device Use.

The second sentence, sometimes called a “wobbler,” affords the prosecuting attorney discretion whether to pursue other types of violations as infractions (like a parking ticket) or misdemeanors (punishable by up to a \$1,000 fine and / or six months in County Jail). Alternatively, violations can be set as *either* an infraction or a misdemeanor in all circumstances. Misdemeanors are more serious crimes for which a jury trial is available to defendants. Fines and other criminal penalties are established by the Penal Code and are typically reflected in the general punishments provision of a local code.

This provision also designates a primary enforcement agency, which is recommended, but remains flexible by permitting any enforcement agency to enforce the law.

- (c) Violations of this [ article / chapter ] are subject to a civil action brought by the [ City / County of \_\_\_\_ ], punishable by a civil fine not less than [ two hundred fifty dollars (\$250) ] and not exceeding [ one thousand dollars (\$1,000) ] per violation.

**COMMENT:** This provision provides civil fines for violating the ordinance. It requires that a lawsuit be filed by the city or county (possibly in small claims court). The fine amounts can be adjusted but cannot exceed \$1,000 per violation. See California Government Code section 36901.

- (d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this [ article / chapter ] shall also constitute a violation of this [ article / chapter ].

**COMMENT:** This is standard language that is typically included in a city or county code and may be omitted if duplicative of existing code provisions.

- (e) Any violation of this [ article / chapter ] is hereby declared to be a nuisance.

**COMMENT:** By expressly declaring a violation of this ordinance to be a nuisance, this provision allows enforcement by the city or county via the administrative nuisance abatement procedures commonly found in municipal codes. It also facilitates injunctive relief — i.e., a court order compelling someone to stop the nuisance activity.

- (e) In addition to other remedies provided by this [ article / chapter ] or by other law, any violation of this [ article / chapter ] may be remedied by a civil action brought by the [ City Attorney / County Counsel ], including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

**COMMENT:** It is common to provide that the local government’s lawyers may go to court to seek injunctions and other penalties in addition to fines. The express provision for injunctive relief reduces the showing required to obtain a preliminary or permanent injunction as described in *IT Corp. v. County of Imperial*, 35 Cal. 3d 63 (1983).

A public agency should think carefully about the nuisance abatement procedure it chooses in enforcing this ordinance after it is adopted. A local government may provide for treble damages for the second or subsequent nuisance abatement judgment within a two-year period, as long as the ordinance is enacted pursuant to Government Code section 38773.5. See Government Code section 38773.7. Treble damages are not available, however, under the alternative nuisance abatement procedures in Government Code section 38773.1 (nuisance abatement liens) and Health & Safety Code section 17980 (abatement of substandard buildings). Government Code section 38773.7 (authorizing treble damages) establishes a procedure for nuisance abatement by which the cost of abatement can be collected via the property tax roll as a special assessment against the property on which the violation occurs.

- (g) Any Person acting in the interests of him-, her- or itself, its members, or the general public (hereinafter “Private Enforcer”) may bring a civil action in any court of competent jurisdiction, including small claims court, to enforce this [ article / chapter ] against any Person who has violated this [ article / chapter ] two or more times. Upon proof of the violations, a court shall grant all appropriate relief, including: (1) awarding damages; and (2) issuing an injunction or a conditional judgment. [ If there is insufficient or no proof of actual damages for a violation, the court shall award [ one-hundred and fifty dollars (\$150) ] for that violation as statutory damages. ]

**COMMENT:** This provision enables private citizens (“Private Enforcers”) to go to court — including a trial court or small claims court — to seek *compliance* with the ordinance through an injunction (a trial court order to do or not do something) or a conditional judgment (a small claims court order requiring the defendant to pay money or to do or refrain from doing something “stop the smoking or pay money”). Monetary damages are available to compensate for actual financial losses. If the optional last sentence is included, a court could award statutory damages of \$150 per violation when actual damages are difficult or impossible to prove. The amount of statutory damages can be adjusted but should not exceed \$1,000 to avoid an argument that it is a fine in excess of the City of County’s authority under Government Code section 36901.

A private citizen may bring a lawsuit against an individual or organization only for alleged *repeated* violations of the law. This limitation is intended to address concerns about the potential for abusive lawsuits.

Note: It is recommended that the term “Person” should be included in the list of definitions in Section [ \_\_\_\_(\*1)], even if the Municipal Code already contains another definition of “person,” because this subsection relies on the broadly inclusive definition of “Person” in Section [ \_\_\_\_(\*1)],

[ (h) Notwithstanding any other provision of this [ article / chapter ], a Private Enforcer may bring a civil action to enforce this [ article / chapter ] only if the following requirements are met:

(1) The Private Enforcer’s civil action is begun more than [ sixty (60) ] days after the Private Enforcer has given written notice of the alleged violations of this [ article / chapter ] to the [ City Attorney / County Counsel ] and to the alleged violator.

(2) On the date the Private Enforcer’s civil action is filed, no other Person acting on behalf of the [ City / County ] or the state has commenced or is prosecuting an administrative, civil, or criminal action based upon, in whole or in part, any violation which was the subject of the Private Enforcer’s notice.

[(3) A Private Enforcer shall provide a copy of his, her, or its action to the [ City Attorney / County Counsel ] within [ seven (7) ] days of filing it. ]

Upon a settlement or judgment based upon, in whole or in part, any violation which was the subject of the Private Enforcer’s notice, the Private Enforcer shall give the [ City Attorney / County Counsel ] notice of the settlement or judgment and final disposition of the case within [ thirty (30) ] days of the date of the settlement or judgment. No settlement by a Private Enforcer of a violation of this [ article / chapter ] shall be valid or enforceable if, within [ thirty (30) ] days of receiving notice of the settlement, the [ City Attorney / County Counsel ] determines the settlement to be unreasonable in light of the purposes of this [ article / chapter ]. Any settlement or judgment that does not meet the requirements of this subsection may be set aside upon motion to a court of competent jurisdiction by the [ City Attorney / County Counsel ]. ]

**COMMENT:** This optional provision enables a City Attorney or County Counsel to exercise “oversight” of private citizen enforcement actions permitted in Section [ \_\_\_\_(\*5)(g)], above. If included, this provision allows a City Attorney or County Counsel to track and monitor Private Enforcer lawsuits, and if desired, pursue local government enforcement instead. This oversight provision is intended to address concerns about the potential for abusive lawsuits or collusive settlements by which a Private Enforcer lets a violator off too easily.

This provision requires a Private Enforcer seeking to prosecute violations of the smokefree law to notify the City Attorney or County Counsel prior to filing the lawsuit. If the optional double-underlined language is included, it would also require the Private Enforcer to share a copy of the complaint with the City Attorney or County Counsel. No affirmative action is required by the City Attorney or County Counsel upon receipt of any of these documents; response is optional.

The last part of this subsection requires the Private Enforcer to submit a copy of the final settlement or judgment to the City Attorney or County Counsel. The City Attorney or County Counsel then has the opportunity to review and evaluate settlement agreements (but not court-issued judgments) to assess whether or not such agreements reasonably address the violation. This is designed to avoid potentially collusive or otherwise abusive settlement agreements (i.e., “sweetheart deals”). Finally, the City Attorney or County Counsel also has the authority to ask a court to set aside a court judgment if a Private Enforcer fails to comply with the requisite notice requirements.

**SECTION III. STATUTORY CONSTRUCTION & SEVERABILITY.** It is the intent of the [ City Council / Board of Supervisors ] of the [ City / County ] of [ \_\_\_\_ ] to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intent. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The [ City Council / Board of Supervisors ] of the [ City / County ] of [ \_\_\_\_ ] hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**COMMENT:** This is standard language.

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- <sup>i</sup> Legacy Foundation. *Tobacco Fact Sheet: Electronic Cigarettes (E-Cigarettes)*. 2012. [www.legacyforhealth.org/PDFPublications/ECIGARETTE\\_0909\\_temp.pdf](http://www.legacyforhealth.org/PDFPublications/ECIGARETTE_0909_temp.pdf)
- <sup>ii</sup> Cobb NK and Abrams DB. “E-Cigarette or Drug-Delivery Device? Regulating Novel Nicotine Products.” *New England Journal of Medicine*, 365(3):193-195, 2011.
- <sup>iii</sup> Kuschner WG, Reddy S, Mehrotra N, et al. “Electronic Cigarettes and Thirdhand Smoke: Two Emerging Health Care Challenges for the Primary Care Provider.” *International Journal of General Medicine*. 4: 115–120, 2011. [www.ncbi.nlm.nih.gov/pmc/articles/PMC3068875/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3068875/)
- <sup>iv</sup> Yamin CK, Bitton A, and Bates DW. “E-Cigarettes: A Rapidly Growing Internet Phenomenon.” *Annals of Internal Medicine*, 153:607-609, 2010.
- <sup>v</sup> Cobb NK, Byron J, Abrams DB, et al. “Novel Nicotine Delivery Systems and Public Health: The Rise of the ‘E-Cigarette.’” *American Journal of Public Health*, 100 (12): 2340-2342, 2010.
- <sup>vi</sup> U.S. Food and Drug Administration. *FDA Warns Of Health Risk Posed By E-Cigarettes*. 2009. [www.fda.gov/downloads/forconsumers/consumerupdates/UCM173430.pdf](http://www.fda.gov/downloads/forconsumers/consumerupdates/UCM173430.pdf)
- <sup>vii</sup> World Medical Association. *Statement on Electronic Cigarettes and Other Electronic Nicotine Delivery Systems*. October 2012. [www.wma.net/en/30publications/10policies/e19/index.html.pdf?print-media-type&footer-right=\[page\]/\[toPage\]](http://www.wma.net/en/30publications/10policies/e19/index.html.pdf?print-media-type&footer-right=[page]/[toPage])
- <sup>viii</sup> U.S. Food and Drug Administration. *E-Cigarette: Questions and Answers*. 2010. [www.fda.gov/forconsumers/consumerupdates/ucm225210.htm](http://www.fda.gov/forconsumers/consumerupdates/ucm225210.htm)
- <sup>ix</sup> U.S. Food and Drug Administration. *News Release, FDA and Public Health Experts Warn About Electronic Cigarettes*. July 22, 2009. [www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm](http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm)
- <sup>x</sup> 21 U.S.C. § 387a(b).
- <sup>xi</sup> King BA, Alam S, Promoff G, et al. “Awareness and Ever Use of Electronic Cigarettes Among U.S. Adults, 2010-2011.” *Nicotine and Tobacco Research*, doi: 10.1093/ntr/ntt013, 2013.
- <sup>xii</sup> Legacy Foundation. *Tobacco Fact Sheet: Electronic Cigarettes (E-Cigarettes)*. 2012. [www.legacyforhealth.org/PDFPublications/ECIGARETTE\\_0909\\_temp.pdf](http://www.legacyforhealth.org/PDFPublications/ECIGARETTE_0909_temp.pdf)
- <sup>xiii</sup> Kuschner WG, Reddy S, Mehrotra N, et al. “Electronic Cigarettes and Thirdhand Smoke: Two Emerging Health Care Challenges for the Primary Care Provider.” *International Journal of General Medicine*. 4: 115–120, 2011. [www.ncbi.nlm.nih.gov/pmc/articles/PMC3068875/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3068875/)
- <sup>xiv</sup> McMillen R, Maduka J and Winickoff J. “Use of Emerging Tobacco Products in the United States.” *Journal of Environmental and Public Health*, doi:10.1155/2012/989474, 2011.

**80-O-13**

**AN ORDINANCE**

**Amending Title 3, Chapter 14 "Cigarettes and Tobacco Products" and Title 8, Chapter 18 "Clean Air Act" to add Restrictions for Use of Electronic Cigarettes and Liquid Nicotine Products**

**WHEREAS**, electronic cigarettes are devices that convert liquid nicotine into a gas that is inhaled by the consumer; and

**WHEREAS**, the National Institute for Occupational Safety and Health and the Center for Disease Control and Prevention have prepared emergency response information addressing the dangers associated with liquid nicotine. Nicotine affects the nervous system and heart and is addictive. Exposure to relatively small amounts of liquid nicotine can rapidly be fatal; and

**WHEREAS**, the City Council finds that for the health and welfare of its citizens that it is in the City's best interests to regulate e-cigarette usage,

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

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

**SECTION 2:** Title 3 "Business Regulations", Chapter 14 is hereby re-titled and further amended to read as follows:

**CHAPTER 14 CIGARETTES, TOBACCO AND LIQUID NICOTINE PRODUCTS**

**3-14-1. DEFINITIONS.**

<i>BIDI CIGARETTE.</i>	A product that: a) contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Department of Health that is similar in appearance or characteristics to the temburni or tendu leaf, and b) does not contain a smoke filtering device.
<i>ELECTRONIC CIGARETTE OR E-CIGARETTE</i>	Means an electronic device usually composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that provides a gas derived from liquid nicotine and/or other substances which is inhaled by a user simulating smoking. The term includes such devices, regardless of the details of the product appearance or marketed name, generally manufactured to resemble cigarette, cigars, pipes, or other smoking devices.
<i>LIQUID NICOTINE</i>	Means any liquid product composed either in whole or part of nicotine, propylene glycol and/or other similar substances and manufactured for use with an e-cigarette to be converted into gas for inhaling.
<i>PERSON</i>	Means any natural person, individual, corporation, limited liability company, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business of any kind.
<i>TOBACCO PRODUCTS.</i>	Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
<i>VENDING MACHINE.</i>	Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products or liquid nicotine products.

**3-14-2. LICENSE REQUIRED.**

It shall be unlawful for any person to sell or offer for sale, at retail, to give away, deliver or to keep with the intention of selling at retail, giving away or delivering tobacco or liquid nicotine products within the City without having first obtained a license therefor. Said license shall be required regardless of the method of sale or dispensing and shall

include sales and dispensing by self-help, manual service, mechanical service or coin-operated device. (See Chapter 8 of this Title.) Said license shall be non-assignable and nontransferable by the licensee, but may be transferred from one machine to a replacement device without notification to the City Collector.

In the event the licensee chooses to offer such materials for sale by means of a vending machine device exclusively, the provisions of this Section shall not be interpreted to require an additional license and fee for the premises whereon such device is located.

### **3-14-3. LICENSE APPLICATION.**

Application for a license hereunder shall be filed in writing with the City Collector on a form to be provided by the City.

### **3-14-4. LICENSE FEE.**

The license fee to sell tobacco or liquid nicotine products within the City shall be five hundred dollars (\$500.00) per annum. The license fee for each additional machine at the same premises operated by the same licensee shall be fifty dollars (\$50.00). The license shall authorize the licensee named therein to sell tobacco or liquid nicotine products only at the place designated therein. Said license shall be posted in a conspicuous place in the premises designated therein.

### **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.

(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.

### **3-14-6. PROHIBITIONS REGARDING MINORS.**

It shall be unlawful:

(A) *Sales To.* For any person, including any licensee, to sell, offer for sale, give away or deliver tobacco or liquid nicotine products to any person under the age of eighteen (18) years.

Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco or liquid nicotine products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

**THE SALE OF TOBACCO  
PRODUCTS OR LIQUID NICOTINE PRODUCTS TO PERSONS UNDER  
EIGHTEEN YEARS OF AGE IS  
PROHIBITED BY LAW**

The text of such signs shall be in red letters on a white background; said letters to be at least one inch (1") high.

(B) *Sale By:* For any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any person under eighteen (18) years of age to sell tobacco products in any licensed premises.

(C) *Purchase.* For any person under the age of eighteen (18) years to purchase tobacco or liquid nicotine products or to misrepresent his/her identity or age or to use any false or altered identification for the purpose of purchasing tobacco or liquid nicotine products.

(D) *Possession.* For any person under the age of eighteen (18) years to possess any tobacco or liquid nicotine products; provided, that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(E) *Penalties Generally.* Any person violating Subsection (A) or (B) of this Section shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition to any other penalty, a licensee convicted of violating any provision of this Section may be subject to having his/her license revoked, suspended or not renewed by the Health Director.

**3-14-7. CERTAIN FREE DISTRIBUTIONS PROHIBITED.**

It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting, or advertising tobacco or liquid nicotine products, or any employee or agent of any such licensee or person, in the course of such licensee's or person's business, to distribute, give away or deliver tobacco or liquid nicotine products free of charge to any person on any right of way, park, playground or other property owned by the City, any school district, any park district or any public library.

**3-14-8. VENDING MACHINE SALES PROHIBITED.**

It shall be unlawful for any person to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco or liquid nicotine products by use of a vending machine. Such vending machines located in areas not open to the public are exempt from this provision.

### **3-14-9. SALE OF BIDI CIGARETTES PROHIBITED.**

No person shall sell, give away, barter, exchange, or otherwise furnish to any other person a bidi cigarette.

### **3-14-10. CONTROL OF PREMISES.**

No person or entity shall be Titled to receive any license for the sale of tobacco or tobacco or liquid nicotine products without providing proof or documentation that the person or entity has legal control over the area wherein the sale of said tobacco, or tobacco, or liquid nicotine products shall occur. Only persons or entities authorized to do business at that location shall be entitled to secure a tobacco or liquid nicotine license at the same location.

### **3-14-11. SELF-SERVICE SALES PROHIBITED.**

It shall be unlawful to sell, offer for sale, give away, or display tobacco products or liquid nicotine for sale at any location where the consumer can acquire those products through self-service. All tobacco or liquid nicotine products will be displayed from behind a sales/service counter so that no consumer can access tobacco or liquid nicotine products without assistance by an employee of the licensee.

### **3-14-12. ADMINISTRATION AND ENFORCEMENT.**

(A) *Administration.* The Health Director is charged with the administration of this Chapter, including the inspection of all places where tobacco or liquid nicotine products are licensed to be sold within the City.

(B) *Suspension Or Revocation Of License.* The Health Director may suspend or revoke any license issued under the provisions of this Chapter if he/she determines that the licensee has violated any of the provisions hereof.

(C) *Fine in Lieu Of Suspension Or Revocation.* In lieu of suspension or revocation of a license, the Health Director may, instead, levy a fine on the licensee. The fine imposed shall not exceed five hundred dollars (\$500.00) for each violation. Each day on which a violation continues shall constitute a separate violation.

(D) *Hearing; Decision; Fees.*

1. *Notice Of Hearing.* No such license shall be suspended or revoked and no licensee shall be fined except after a public hearing by the Health Director with a seven (7) day

written notice to the licensee affording the licensee an opportunity to appear and defend against the charges contained in such notice. The seven (7) day notice provisions shall begin the day following delivery by certified mail or by personal service.

2. *Health Director's Decision.* The Health Director shall within seven (7) days after such hearing, if he/she determines after such hearing that the license should be revoked or suspended, or that the licensee should be fined, state the reason for such determination in a written order and either the amount of the fine, the period of suspension or that the license has been revoked and serve a copy of such order within the seven (7) days upon the licensee. Fines shall be paid to the City within thirty (30) days of said decision.

3. *Fees.* Any licensee determined by the Health Director to have violated any of the provisions of this Chapter shall pay to the City the costs of the hearing before the Health Director on such violation. The Health Director shall determine the costs incurred by the City for said hearing, including, but not limited to, court reporter fees, the cost of transcripts or records, attorney fees, the costs of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the City or such lesser sum as the Health Director may allow.

The licensee shall pay said costs to the City within thirty (30) days of notification of the costs by the Health Director. Failure to pay said costs within thirty (30) days of notification is a violation of this Chapter and may be cause for license suspension or revocation or the levy of a fine.

(E) *Use Of Premises After License Revocation.* When any license shall have been revoked for any cause, no license shall be granted to said licensee for the period of six (6) months thereafter for selling "tobacco products," and/or "liquid nicotine" as defined in this Chapter in the premises described in such revoked license.

(F) *Responsibility Of Licensee For Agents And Employees.* Every act or omission of whatsoever nature constituting a violation of any of the provisions of this Chapter by any officer, director, a manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee, and such licensee shall be punishable in the same manner as if such act or omission had been done or omitted by the licensee personally.

### **3-14-13. SALE OF IMPROPERLY PACKAGED TOBACCO OR LIQUID NICOTINE PRODUCTS PROHIBITED.**

It shall be unlawful for any retail establishment to sell, give away, barter, exchange, or otherwise furnish to any other person any tobacco product or liquid nicotine product, including, but not limited to, a single or loose cigarette or e-cigarette, that is not contained within a sealed package provided by the manufacturer that has affixed to it any tax stamps required by law and that complies with all requirements imposed by federal law regarding warnings and other information on packages of tobacco or liquid

nicotine products manufactured, packaged, or imported for sale, distribution, or use in the United States.

**SECTION 3:** Title 8, Chapter 18 "Clean Air Act", Section 3 "Definitions" is hereby amended to alter the definition of "Smoke or Smoking" to read as follows:

Smoke or Smoking: Inhaling, exhaling, or carrying any lighted and/or burning smoking materials. "Smoking" does not include the burning or carrying of incense in a religious ceremony or the use of matches or lighters for nonsmoking purposes. "Smoke" shall also mean the byproduct of the burning of any smoking materials and the release of gaseous vapors from e-cigarettes (as defined in Section 3-14-1).

**SECTION 4:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5:** 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 6:** This ordinance shall be in full force and effect from and after its passage, approval and publication in the manner provided by law.

**SECTION 7:** 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.

Ayes: 8

Nays: 1

Introduced: September 23, 2013

Adopted: October 28, 2013

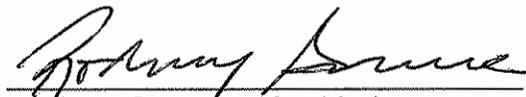
Approved:

October 30, 2013



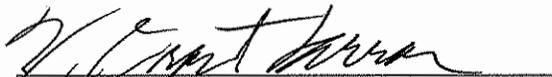
Elizabeth B. Tisdahl, Mayor

Attest:



Rodney Greene, City Clerk

Approved as to form:



W. Grant Farrar, Corporation Counsel

**REQUEST FOR BOARD ACTION**  
**Regular Village Board Meeting**  
**April 25, 2016**

**Subject:** Approval of an Addendum to an Intergovernmental Agreement Between the Village of Vernon Hills, The Countryside Fire Protection District, and the Village of Lincolnshire for the Purpose of Providing Emergency Dispatch Services

**Action Requested:** Waiver of the First Reading and Approval of the Addendum

**Originated**

**By/Contact:** Pete Kinsey, Police Chief

**Referred To:** Village Board

**Summary / Background:**

To facilitate dispatch services provided by the Village of Vernon Hills, the Village of Lincolnshire maintains a T1 communication line connecting the dispatch center and the Police Department. Due to increasing costs of maintaining the current T1 connection and new options available in the marketplace, it is advantageous to upgrade the existing connection to a hybrid cable/fiber connection provided by Comcast. The proposed addendum to the current intergovernmental agreement allows the Village of Vernon Hills to provide and bill the Village of Lincolnshire for this new connection. This allows the Village of Vernon Hills to troubleshoot issues quicker, and take on administrative duties related to maintaining the connection. The Village of Vernon Hills will bill the Village of Lincolnshire for the costs of the line with regular dispatch services, rather than the current practice of the Village maintaining and paying for the line separately. In addition to time savings associated with shifting the administrative burden to the Village of Vernon Hills, the new connection is roughly four times faster than the current.

**Budget Impact:**

The cost of the new connection is roughly \$840 more than the current connection annually.

**Service Delivery Impact:**

None

**Recommendation:**

As the T1 line continues to be problematic due to reliability issues, staff recommends waiver of the first reading and approval of the draft addendum.

**Reports and Documents Attached:**

- Draft Intergovernmental Agreement Addendum

Meeting History	
Regular Village Board Meeting:	4/25/2016

# **ADDENDUM TO INTERGOVERNMENTAL AGREEMENT ESTABLISHING INVOICE PROCEDURES FOR NETWORK LINK EXPENSES**

This agreement is made as of March 1, 2016, by and between the Village of Vernon Hills, an Illinois municipal corporation (“Vernon Hills”) and the Village of Lincolnshire, an Illinois municipal corporation (“Lincolnshire”). In consideration of the mutual promises of the parties hereto made each to the other and other good and valuable consideration, Vernon Hills and Lincolnshire hereby agree as follows:

## Section 1. Background

- A. Article VII, Section 10 of the Illinois Constitution of 1970 provides for intergovernmental cooperation between units of local government such as Vernon Hills and Lincolnshire, including the power to contract or otherwise associate among themselves to obtain or share services and to exercise, combine, or transfer any power or function in any manner not prohibited by law or by ordinance and to use their credit, revenues, and other resources to pay costs related to intergovernmental activities. The Illinois Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government.
- B. On July 9, 2013, Vernon Hills and Lincolnshire entered into a 5 year agreement where Vernon Hills would provide dispatch services to Lincolnshire.
- C. Vernon Hills and Lincolnshire currently have a fractional T-1 connection between their networks to allow for the functionality of Dispatch and Records Management Systems.
- D. Vernon Hills and Lincolnshire have agreed to a new network connection established and maintained by Vernon Hills, with operating costs paid by Lincolnshire.

## Section 2. Capital costs for implementation

- A. Services will be secured from Advanced Business Networks, a Comcast Enterprise Services authorized reseller, who shall solely be responsible for construction related to the establishment of the circuit. Advanced Business Networks shall not be responsible for customer premise equipment installation or configuring.
- B. Vernon Hills and Lincolnshire shall each be responsible for their respective customer premises equipment, installation, configuration and testing costs related to the new network link.

## Section 3. Payment

- A. Vernon Hills will invoice Lincolnshire on an annual basis for the actual cost of supplying and maintaining the network link.
- B. Payment will be due within 30 days of invoice, or other time agreed to by the parties.
- C. Invoice shall reflect the actual cost incurred and is subject to change from time to time as Comcast Enterprise Services, or its successor (alternatively, the “Network Provider”) changes the fee structure (Exhibit A).
- D. Any changes to the fee structure (Exhibit A) shall be proposed by the Network Provider not less than thirty (30) days prior to the effective date of such changes and shall be deemed approved unless the increase is greater than 5%, in which case Vernon Hills and/or Lincolnshire may terminate the service contract with the Network Provider during such period.

Section 4. General Provisions

- A. Any notice or communications required or permitted to be given under this Agreement shall be in writing and shall be delivered 1) personally, 2) by a reputable overnight courier, 3) certified mail, return receipt requested, or 4) by facsimile.
- B. Notices and communications to Vernon Hills shall be addressed to, and delivered at, the following address:

Vernon Hills Police Department  
Attention: Police Chief  
754 Lakeview Parkway  
Vernon Hills IL 60061

with a copy to:

Village of Vernon Hills  
Attention: Village Manager  
290 Evergreen Drive  
Vernon Hills IL 60061

with a copy to:

Robert C Kenny  
Schain, Banks, Kenny and Schwartz, Ltd  
70 W Madison Street; Suite 5300  
Chicago IL 60602

Notices and communications to Lincolnshire shall be addressed to, and delivered at, the following address:

Lincolnshire Police Department  
Attention: Police Chief  
1 Olde Half Day Road  
Lincolnshire IL 60069

with a copy to:

Village of Lincolnshire  
Attention: Village Manager  
One Olde Half Day Road  
Lincolnshire IL 60069

with a copy to:

Adam B Simon  
Ancel, Glink, Diamond, Bush, DiCianni & Krafthefer, P.C.  
175 E Hawthorn Parkway, Suite 145  
Vernon Hills IL 60061

IN WITNESS HEREOF, the Village of Vernon Hills and the Village of Lincolnshire have caused this Agreement to be executed by their respective President and attested by their Village Clerk or Secretary as of the day and year first written above.

Village of Lincolnshire:

\_\_\_\_\_  
By: Elizabeth Brandt, Village President

ATTEST: \_\_\_\_\_  
BY: Barbara Mastandrea, Village Clerk

Village of Vernon Hills:

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BY: Roger Byrne, Village President

ATTEST: \_\_\_\_\_  
BY: John Kalmar, Village Manager/Clerk

## Exhibit A

Description	Month	Annual
Comcast Enterprise basic 4Mbps link	\$345.00	\$4,140.00
ABG (maintaining interconnects, security, intrusion detection, etc)	\$135.00	\$1,620.00
Taxes	\$97.56	\$1,170.72
VPN	\$30.00	\$360.00
Total	\$607.56	\$7,290.72