

CITY OF WEST CHICAGO

WHERE HISTORY & PROGRESS MEET

NOTICE

PUBLIC AFFAIRS COMMITTEE

Tuesday, May 29, 2018
7:00 P.M. – Council Chambers

AGENDA

1. Call to Order, Roll Call, and Establishment of a Quorum
2. Approval of Minutes
 - A. Public Affairs Committee of April 23, 2018
3. Public Participation / Presentations
4. Items for Consent
 - A. Ordinances No. 18-O-0019 - Revisions to Tobacco Sales Ordinance
 - B. Railroad Days – Western DuPage Chamber of Commerce
 - C. Back-to-School Fun Run – Health West Chicago
 - D. Mexican Independence Day – Mexican Cultural Center
5. Items for Discussion
 - E. Vote to have meetings at 7:30am for the months of June, July and August.
 - F. Proposed 2019 Ride DuPage Pilot Program
6. Unfinished Business
7. New Business
8. Reports from Staff
 - A. West Chicago Police Department Monthly Report
9. Adjournment

DRAFT

MINUTES

PUBLIC AFFAIRS COMMITTEE

Monday, April 23, 2018 7:00 P.M.

1. Call to Order, Roll Call, and Establishment of a Quorum.

Chairman Chassee called the meeting to order at 7:00pm. Roll Call found Brown, Hallett, Garcia, Birch Ferguson, Meissner and Gagliardi.

2. **Approval of Minutes.**

A. Public Affairs Committee Minutes of March 26, 2018. Alderman Brown made a motion, seconded by Alderman Hallett to approve the minutes of the Public Affairs Committee meeting with no changes. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson, Meissner and Gagliardi. Voting Nay: 0. Motion carried.

3. **Public Participation / Presentations.**

4. **Items for Consent.**

A. Ordinance No. 18-O-0016 – Amending Chapter 11, Article II, Division 7, AFFECTING SEX, MORALS, AND PUBLIC DEVCENCY and Division 13, DRUG PARAPHERNALIA CONTROL of the West Chicago Code of Ordinances. Alderman Hallett made a motion, seconded by Alderman Garcia to direct this item to City Council for approval. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson, Meissner and Gagliardi. Voting Nay: 0. Motion carried.

B. Ordinance No. 18-O-0017 – Amending Chapter 1, GENERAL PROVISIONS and Chapter 8, Article I, ADMINISTRATIVE ADJUDICATION SYSTEM of the West Chicago Code of Ordinances. Alderman Hallett made a motion, seconded by Alderman Garcia to direct this item to City Council for approval. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson, Meissner and Gagliardi. Voting Nay: 0. Motion carried.

C. Ordinance No. 18-O-0018 – Authorizing the Disposal of Surplus Equipment, Stock Inventory, and/or Personal Property Owned By the City of West Chicago. Alderman Hallett made a motion, seconded by Alderman Garcia to direct this item to City Council for approval. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson, Meissner and Gagliardi. Voting Nay: 0. Motion carried.

D. Resolution No. 18-R-0028 – Contract Award – Signarama West Chicago (JRC Enterprises, LLC) for Fabrication and Installation of Entrance Signs for City Hall, Police Station, Water Treatment Plant, and the Regional Wastewater Treatment Plant. Alderman Hallett made a motion, seconded by Alderman Garcia to direct this item to City Council for approval. Voting Aye: Chairman Chassee, Alderman Brown, Hallett, Garcia, Birch Ferguson, Meissner and Gagliardi. Voting Nay: 0. Motion carried.

5. Items for Discussion.

A. Raising the Tobacco buying Age to 21 – Ms. Dotson and Ms. Rodriguez, residents of West Chicago gave a presentation on their personal experiences on vaping and smoking and how it has impacted their lives and their communities.

Chairmen Chassee directed staff to prepare an ordinance that will stop the trend of nicotine use of younger children.

6. Unfinished Business.

7. New Business.

Chairman Chassee addressed the staff about the summer hours for the Public Affairs meetings for the months of June, July and August. Staff agreed to 7:30am. Chairman Chassee would speak to City Administrator Michael Guttman and report back to staff.

8. Reports from Staff.

A. West Chicago Monthly and Annual Police Report

9. Adjournment. Alderman Hallett made a motion to adjourn, seconded by Alderman Garcia. The motion was approved by voice vote, and the meeting adjourned at approximately 7:47pm.

Respectfully submitted,

Yahaira Bautista
Administrative Assistant to Chief of Police
West Chicago Police Department

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Ordinance No. 18-O-0019 – Revisions to Tobacco Sales Ordinance

AGENDA NO. 4. A.

FILE NO. _____

AGENDA DATE: May 29, 2018

COUNCIL AGENDA DATE: June 4, 2018

STAFF REVIEW: Michael Uplegger, Chief of Police

SIGNATURE _____

APPROVED BY CITY ADMINISTRATOR: Michael Guttman

SIGNATURE _____

ITEM SUMMARY:

On April 23, 2018, the Public Affairs Committee heard a presentation on “Tobacco 21” by Carolyn Serf of the American Heart Association and two West Chicago Community High School students. The group requested consideration from the Committee in raising the age to 21 for the sale of tobacco products and electronic smoking devices. Several communities, including Naperville, Mundelein, Highland Park, Evanston, and most recently Glen Ellyn have enacted similar Ordinances. The group offered the following data in support of the change:

- Tobacco use remains the number one preventable cause of death in the United States.
- Nicotine use during adolescence and young adulthood has long-term impacts on brain development.
- E-cigarettes and vaping have led more people to start a real smoking habit.
- Kids who vape are more likely to start smoking cigarettes.
- E-cigarettes have become the most commonly used tobacco product by young people in the U.S.

It should be noted that a change in the Ordinance would impact approximately 26 licensed tobacco retailers in the City. The Public Affairs Committee was appreciative and receptive to the group’s request and directed staff to prepare an amendment to the current Ordinance.

An amendment to the City Code regulating tobacco sales has been prepared and includes redefining the meaning of electronic cigarettes and tobacco products and adding a definition for smoking. Additionally, retailers are prohibited from selling to persons under 21 years of age. It is important to note that this does prohibit the possession or purchase of tobacco products for persons between the ages of 18 and 21.

Or

It is important to note that this does not prohibit the possession or purchase of tobacco products for persons between the ages of 18 and 21.

ACTIONS PROPOSED:

CITY OF WEST CHICAGO

Staff recommends adoption of Ordinance No. 18-O-0019.

COMMITTEE RECOMMENDATION:

ORDINANCE NO. 18-O-0019

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLE XXIV
TOBACCO SALES, OF THE WEST CHICAGO CODE OF ORDINANCES TO
PROHIBIT THE SALE OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING
DEVICES TO PERSONS UNDER 21 YEARS OF AGE**

WHEREAS, the City of West Chicago (hereinafter referred to as “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

WHEREAS, the City has determined that it is reasonable and necessary, pursuant to its community caretaking function and in furtherance of public safety, to provide restrictions on the purchase of nicotine products by minors; and

WHEREAS, the City recognizes that the use of tobacco products has devastating health and economic consequences; and

WHEREAS, according to Centers for Disease Control and Prevention, tobacco use is the foremost preventable cause of premature death in America; and

WHEREAS, the City further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users; and

WHEREAS, according to a national survey on drug use and health in 2013, 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use; and

WHEREAS, according to an article written by Angelica M. Morales and an article from the Tobacco Documents Library, young minds are particularly susceptible to the addictive properties of nicotine. In addition tobacco industry documents also show that those who start smoking by the age of 18 are almost twice as likely to become lifetime smokers as those who start after they turn 21.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1: That Chapter 9, LICENSES, PERMITS AND BUSINESS REGULATIONS, Article XXIV. – TOBACCO SALES of the Code of Ordinances of the City of West Chicago be amended to read as follows:

Chapter 9 LICENSES, PERMITS AND BUSINESS REGULATIONS

“ARTICLE XXIV. - TOBACCO SALES

Sec. 9-685. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

"Electronic ~~smoking device~~e-cigarette (e-cigarette) means any device that can be used to deliver aerosolized or vaporized nicotine, cannabinoids, or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, e-cigar, e-pipe, vape pen or hookah. Electronic Smoking Device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device.~~An electronic device that: (1) typically includes a mouthpiece, a heating element or atomizer, a battery, and electronic circuits; (2) provides a gas derived from a liquid that includes nicotine, propylene glycol, or similar substance and perhaps other substances; and (3) is inhaled by a user in a manner that simulates or resembles smoking. The term e-cigarette includes all manner of these devices, regardless of the details of a device's appearance or marketed name, that are manufactured to resemble a cigarette, cigar, pipe, or other smoking device. The term e-cigarette includes the cartridges and component parts of an e-cigarette.~~

Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device.

Tobacco products means any product that is made or derived from tobacco, or which contains nicotine or a similar substance, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco in any quantity. Tobacco products also mean an electronic smoking device and any component or accessory used in the preparation or consumption of tobacco products, such as filters, rolling papers, pipes, and substances used in electronic smoking devices, whether or not they contain nicotine.

Vending machine means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products or electronic smoking devices.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-686. - License—Required.

It shall be unlawful 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 products or electronic smoking devices-e-cigarettes within the city without having first obtained a tobacco dealer's license therefor pursuant to this article. Such license shall be in addition to any other license required by this Code.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-687. - Same—Application.

Application for tobacco sales license should be made to the city clerk on forms provided by the city. Licenses shall run for a one-year period based on the city's fiscal year. A licensee may be prorated for a portion of the year.

~~(Ord. No. 2276, § 1, 7-2-90)~~

Sec. 9-688. - Same—Fee.

The annual fee for a tobacco license shall be as prescribed in Appendix G. Said license is not refundable, in part or in full.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 02-O-0120, § 3, 11-4-2002; Ord. No. 03-O-0110, § 8, 12-15-2003; Ord. No. 05-O-0060, § 1, 8-1-2005; Ord. No. 07-O-0105, § 4, 12-7-2007, eff. 1-1-2008; Ord. No. 11-O-0007, § 32, 5-16-2011)~~

Sec. 9-689. - Prohibited sales, delivery; signs.

(a) It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products or electronic smoking devices-e-cigarettes to any person under the age of twenty-one (21) eighteen (18) years.

(b) Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products and electronic smoking devices-e-cigarettes and on or upon every vending machine which offers tobacco products and/or electronic smoking devices for sale. Each such sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER TWENTY-ONEEIGHTEEN YEARS OF AGE, AND THE SALE OF ELECTRONIC SMOKING DEVICES-E-CIGARETTES, CARTRIDGES OR E-CIGARETTE COMPONENTS TO SUCH PERSONS 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 (1) inch high.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-690. - Minimum age to sell tobacco products.

It shall be unlawful 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 or electronic smoking devices-e-cigarettes in any licensed premises.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-691. - Purchase by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products or electronic smoking devices-e-cigarettes or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products or electronic smoking devices.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-692. - Possession by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to possess or use any tobacco products or electronic smoking devices-e-cigarettes; Exception: it shall not be a violation provided that the possession or use by a person under the age of eighteen (18) years is 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~~.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-693. - Proximity to certain institutions.

It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products or electronic smoking devices-e-cigarettes within one hundred (100) feet of any school, child care facility or other building used for education or recreational programs for persons under the age of twenty-one (21) eighteen (18) years.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-694. - 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 products or electronic smoking devices-e-cigarettes, 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 products or electronic smoking devices-e-cigarettes 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.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-695. - Vending machines; locking devices.

- (a) It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products or electronic smoking devices~~ese-cigarettes~~ by use of a vending machine, unless such vending machine is equipped with manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of twenty-one (21) ~~eighteen (18)~~ years.
- (b) Any premises where access by persons under the age of twenty-one (21)~~eighteen (18)~~ years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of business located at such premises, shall be exempt from the requirements of subsection (a) above.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-696. - Responsibility for agents and employees.

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this article, by any officer, director, 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.

~~(Ord. No. 2276, § 1, 7-2-90)~~

Sec. 9-697. - Suspension; revocation of license; fines, costs.

- (a) The mayor shall be charged with the administration of this article. The mayor may suspend or revoke any license issued under the provisions of this article, if he determines that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of a license, the mayor may instead levy a fine on the licensee. The fine imposed shall be per section 1-8, general penalty, of this Code for each violation. Each day on which a violation continues shall constitute a separate violation. However, no such license shall be suspended or revoked and no licensee shall be fined except in a public hearing by the mayor 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-day notice provisions shall begin the day following delivery by certified mail or by personal service.
- (b) The mayor shall, within seven (7) days after such hearing, if he 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.
- (c) Any licensee determined by the mayor to have violated any of the provisions of this article shall pay to the city the costs of the hearing before the mayor on such violation. The mayor shall determine the costs incurred by the city for the hearing, including, but not limited to: court reporter's fees, the costs of transcripts or records, attorneys' fees, the cost of preparing

and mailing notices and orders and all other miscellaneous expenses incurred by the city or such lesser sum as the mayor may allow.

- (d) The licensee shall pay said costs to the city within thirty (30) days of notification of the costs by the mayor. Failure to pay the costs within thirty (30) days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.
- (e) All fines collected pursuant to this section shall be deposited in a police restricted subaccount of the general corporate fund. The mayor is hereby authorized to award, at his sole discretion, a bounty to a licensee or the licensee's agent or employee, who has, in connection with an attempt to purchase or obtain tobacco products or electronic smoking devices by a person, demanded positive identification and found that person to be misrepresenting his or her age for the purpose of purchasing or obtaining tobacco products or electronic smoking devices. In order to be eligible for a bounty, the licensee, agent or employee must have confiscated the identification and filed a police report regarding the incident. The bounty shall be no less than fifty dollars (\$50.00) and no more than one hundred dollars (\$100.00), and shall be payable from the subaccount established herein.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 4268, § 3, 1-17-2000; Ord. No. 03-O-0085, § 5, 10-6-2003)~~

Sec. 9-698. - Use of premises after revocation.

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of the business of selling tobacco products or electronic smoking devices ~~cigarettes~~ in the premises described in such revoked license.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 3052, § 1, 10-7-96; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-699. — Penalty Fines for possession and use; ~~purchase.~~

In addition to any other relief granted by the courts or the Administrative Law Judge, any person violating Sec. 9-961 or Sec. 9-962 of this Article shall be subject to a fine per section 1-8, general penalty, of this Code.

~~Fines for possession, use and/or purchase of tobacco products by a person under eighteen (18) years of age shall be:~~

~~(1) — Violation of section 9-691 \$50.00~~

~~(2) — Violation of section 9-692 25.00~~

~~(Ord. No. 2276, § 1, 7-2-90)~~

Sec. 9-700. - Transfer of license.

- (a) *Nontransferable.* A license shall be a personal privilege, in force and effect for that period of time set forth in section 9-687 of this chapter, unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the law of testate or intestate devolution.
- (b) *Change in personnel.* Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (5) percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the mayor, within ten (10) days of the change and such new individuals shall meet all the standards of this chapter and must otherwise qualify to hold a tobacco dealers license.
 - (1) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a tobacco dealers license, the license shall terminate.
 - (2) When a license has been issued to a corporation and a change takes place in officers, directors, managers or stockholders of more than five (5) percent of the stock, resulting in the holding of office or such of stock by one who is not eligible for a license, the license shall terminate.
 - (3) When a license has been issued to an individual who is no longer eligible for a license, the license shall terminate.

~~(Ord. No. 05-O-0060, § 1, 8-1-2005)~~

Secs. 9-701—9-710. - Reserved.

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

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

PASSED this 4th day of June 2018.

Alderman J. Beifuss _____

Alderman L. Chassee _____

Alderman J. Sheahan _____

Alderman H. Brown _____

Alderman A. Hallett _____

Alderman Ferguson _____

Alderman Birch Ferguson _____

Alderman S. Dimas _____

Alderman K. Meissner _____

Alderman M. Garling _____

Alderman R. Stout _____

Alderman G. Garcia _____

Alderman N. Ligino-Kubinski _____

Alderman B. Gagliardi _____

APPROVED as to form: _____
City Attorney

ADOPTED this 4th day of June 2018.

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

PUBLISHED: _____

ORDINANCE NO. 18-O-0019

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLE XXIV
TOBACCO SALES, OF THE WEST CHICAGO CODE OF ORDINANCES TO
PROHIBIT THE SALE OF TOBACCO PRODUCTS AND ELECTRONIC SMOKING
DEVICES TO PERSONS UNDER 21 YEARS OF AGE**

WHEREAS, the City of West Chicago (hereinafter referred to as “City”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the City is authorized and empowered, under the Illinois Municipal Code, 65 ILCS 5/11-20-5 to regulate for the public health; and

WHEREAS, the City is authorized, pursuant to its police power, 65 ILCS 5/11-1-1, to carry out the powers delegated to it under its grants of authority; and

WHEREAS, the City has determined that it is reasonable and necessary, pursuant to its community caretaking function and in furtherance of public safety, to provide restrictions on the purchase of nicotine products by minors; and

WHEREAS, the City recognizes that the use of tobacco products has devastating health and economic consequences; and

WHEREAS, according to Centers for Disease Control and Prevention, tobacco use is the foremost preventable cause of premature death in America; and

WHEREAS, the City further recognizes that young people are particularly susceptible to the addictive properties of tobacco products, and are particularly likely to become lifelong users; and

WHEREAS, according to a national survey on drug use and health in 2013, 95 percent of adult smokers begin smoking before they turn 21. The ages of 18 to 21 are a critical period when many smokers move from experimental smoking to regular, daily use; and

WHEREAS, according to an article written by Angelica M. Morales and an article from the Tobacco Documents Library, young minds are particularly susceptible to the addictive properties of nicotine. In addition, tobacco industry documents also show that those who start smoking by the age of 18 are almost twice as likely to become lifetime smokers as those who start after they turn 21.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of West Chicago, DuPage County, Illinois, as follows:

Section 1: That Chapter 9, LICENSES, PERMITS AND BUSINESS REGULATIONS, Article XXIV. – TOBACCO SALES of the Code of Ordinances of the City of West Chicago be amended to read as follows:

Chapter 9 LICENSES, PERMITS AND BUSINESS REGULATIONS

“ARTICLE XXIV. - TOBACCO SALES

Sec. 9-685. - Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

"Electronic ~~smoking device~~e-cigarette (e-cigarette) means any device that can be used to deliver aerosolized or vaporized nicotine, cannabinoids, or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, e-cigar, e-pipe, vape pen or hookah. Electronic Smoking Device includes any component, part, or accessory of such a device, whether or not sold separately, and includes any substance intended to be aerosolized or vaporized during the use of the device.~~An electronic device that: (1) typically includes a mouthpiece, a heating element or atomizer, a battery, and electronic circuits; (2) provides a gas derived from a liquid that includes nicotine, propylene glycol, or similar substance and perhaps other substances; and (3) is inhaled by a user in a manner that simulates or resembles smoking. The term e-cigarette includes all manner of these devices, regardless of the details of a device's appearance or marketed name, that are manufactured to resemble a cigarette, cigar, pipe, or other smoking device. The term e-cigarette includes the cartridges and component parts of an e-cigarette.~~

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Tobacco products means any product that is made or derived from tobacco, or which contains nicotine or a similar substance, and is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus.~~substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco in any quantity. Tobacco products also mean an electronic smoking device and any component or accessory used in the preparation or consumption of tobacco products, such as filters, rolling papers, pipes, and substances used in electronic smoking devices, whether or not they contain nicotine.~~

Vending machine means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products or electronic smoking devices.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-686. - License—Required.

It shall be unlawful 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 products or electronic smoking devices-e-cigarettes within the city without having first obtained a tobacco dealer's license therefor pursuant to this article. Such license shall be in addition to any other license required by this Code.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-687. - Same—Application.

Application for tobacco sales license should be made to the city clerk on forms provided by the city. Licenses shall run for a one-year period based on the city's fiscal year. A licensee may be prorated for a portion of the year.

~~(Ord. No. 2276, § 1, 7-2-90)~~

Sec. 9-688. - Same—Fee.

The annual fee for a tobacco license shall be as prescribed in Appendix G. Said license is not refundable, in part or in full.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 02-O-0120, § 3, 11-4-2002; Ord. No. 03-O-0110, § 8, 12-15-2003; Ord. No. 05-O-0060, § 1, 8-1-2005; Ord. No. 07-O-0105, § 4, 12-7-2007, eff. 1-1-2008; Ord. No. 11-O-0007, § 32, 5-16-2011)~~

Sec. 9-689. - Prohibited sales, delivery; signs.

(a) It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products or electronic smoking devices-e-cigarettes to any person under the age of twenty-one (21) eighteen (18) years.

(b) Signs informing the public of the age restrictions provided for herein shall be posted by every licensee at or near every display of tobacco products and electronic smoking devices-e-cigarettes and on or upon every vending machine which offers tobacco products and/or electronic smoking devices for sale. Each such sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER TWENTY-ONEEIGHTEEN YEARS OF AGE, AND THE SALE OF ELECTRONIC SMOKING DEVICES-E-CIGARETTES, CARTRIDGES OR E-CIGARETTE COMPONENTS TO SUCH PERSONS 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 (1) inch high.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-690. - Minimum age to sell tobacco products.

It shall be unlawful 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 or electronic smoking devices-e-cigarettes in any licensed premises.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-691. - Purchase by minors prohibited.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase tobacco products or electronic smoking devices-e-cigarettes or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products or electronic smoking devices.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-692. - Possession by minors prohibited.

It shall be unlawful for any person under the age of twenty-one (21) years to possess or use any tobacco products or electronic smoking devices-e-cigarettes; Exception: it shall not be a violation provided that the possession or use by a person under the age of twenty-one (21) years is 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~~.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-693. - Proximity to certain institutions.

It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products or electronic smoking devices-e-cigarettes within one hundred (100) feet of any school, child care facility or other building used for education or recreational programs for persons under the age of twenty-one (21)~~eighteen (18)~~ years.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-694. - 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 products or electronic smoking devices-e-cigarettes, 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 products or electronic smoking devices-e-cigarettes 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.

(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)

Sec. 9-695. - Vending machines; locking devices.

- (a) It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products or electronic smoking devices~~ese-cigarettes~~ by use of a vending machine, unless such vending machine is equipped with manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of twenty-one (21)~~eighteen (18)~~ years.
- (b) Any premises where access by persons under the age of twenty-one (21)~~eighteen (18)~~ years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of business located at such premises, shall be exempt from the requirements of subsection (a) above.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-696. - Responsibility for agents and employees.

Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this article, by any officer, director, 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.

~~(Ord. No. 2276, § 1, 7-2-90)~~

Sec. 9-697. - Suspension; revocation of license; fines, costs.

- (a) The mayor shall be charged with the administration of this article. The mayor may suspend or revoke any license issued under the provisions of this article, if he determines that the licensee has violated any of the provisions of this article. In lieu of suspension or revocation of a license, the mayor may instead levy a fine on the licensee. The fine imposed shall be per section 1-8, general penalty, of this Code for each violation. Each day on which a violation continues shall constitute a separate violation. However, no such license shall be suspended or revoked and no licensee shall be fined except in a public hearing by the mayor 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-day notice provisions shall begin the day following delivery by certified mail or by personal service.
- (b) The mayor shall, within seven (7) days after such hearing, if he 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.
- (c) Any licensee determined by the mayor to have violated any of the provisions of this article shall pay to the city the costs of the hearing before the mayor on such violation. The mayor shall determine the costs incurred by the city for the hearing, including, but not limited to: court reporter's fees, the costs of transcripts or records, attorneys' fees, the cost of preparing

and mailing notices and orders and all other miscellaneous expenses incurred by the city or such lesser sum as the mayor may allow.

- (d) The licensee shall pay said costs to the city within thirty (30) days of notification of the costs by the mayor. Failure to pay the costs within thirty (30) days of notification is a violation of this article and may be cause for license suspension or revocation, or the levy of a fine.
- (e) All fines collected pursuant to this section shall be deposited in a police restricted subaccount of the general corporate fund. The mayor is hereby authorized to award, at his sole discretion, a bounty to a licensee or the licensee's agent or employee, who has, in connection with an attempt to purchase or obtain tobacco products or electronic smoking devices by a person, demanded positive identification and found that person to be misrepresenting his or her age for the purpose of purchasing or obtaining tobacco products or electronic smoking devices. In order to be eligible for a bounty, the licensee, agent or employee must have confiscated the identification and filed a police report regarding the incident. The bounty shall be no less than fifty dollars (\$50.00) and no more than one hundred dollars (\$100.00), and shall be payable from the subaccount established herein.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 4268, § 3, 1-17-2000; Ord. No. 03-O-0085, § 5, 10-6-2003)~~

Sec. 9-698. - Use of premises after revocation.

When any license shall have been revoked for any cause, no license shall be granted to any person for the period of one (1) year thereafter for the conduct of the business of selling tobacco products or electronic smoking devices ~~cigarettes~~ in the premises described in such revoked license.

~~(Ord. No. 2276, § 1, 7-2-90; Ord. No. 3052, § 1, 10-7-96; Ord. No. 17-O-0007, § 1, 4-17-2017)~~

Sec. 9-699. ~~— Penalty Fines for possession and use; purchase.~~

In addition to any other relief granted by the courts or the Administrative Law Judge, any person violating Sec. 9-961 or Sec. 9-962 of this Article shall be subject to a fine per section 1-8, general penalty, of this Code.

~~Fines for possession, use and/or purchase of tobacco products by a person under eighteen (18) years of age shall be:~~

~~(1) — Violation of section 9-691 \$50.00~~

~~(2) — Violation of section 9-692 25.00~~

~~(Ord. No. 2276, § 1, 7-2-90)~~

Sec. 9-700. - Transfer of license.

- (a) *Nontransferable.* A license shall be a personal privilege, in force and effect for that period of time set forth in section 9-687 of this chapter, unless sooner revoked as in this chapter provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee, and shall not descend by the law of testate or intestate devolution.
- (b) *Change in personnel.* Any changes in partnerships, officers, directors, persons holding directly or beneficially more than five (5) percent of the stock or ownership interest, or managers of establishments licensed under this chapter, shall be reported in writing to the mayor, within ten (10) days of the change and such new individuals shall meet all the standards of this chapter and must otherwise qualify to hold a tobacco dealers license.
 - (1) When a license has been issued to a partnership and a change of ownership occurs resulting in a partnership interest by one who is not eligible to hold a tobacco dealers license, the license shall terminate.
 - (2) When a license has been issued to a corporation and a change takes place in officers, directors, managers or stockholders of more than five (5) percent of the stock, resulting in the holding of office or such of stock by one who is not eligible for a license, the license shall terminate.
 - (3) When a license has been issued to an individual who is no longer eligible for a license, the license shall terminate.

~~(Ord. No. 05-O-0060, § 1, 8-1-2005)~~

Secs. 9-701—9-710. - Reserved.

Section 2. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

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

PASSED this 4th day of June 2018.

Alderman J. Beifuss _____

Alderman L. Chassee _____

Alderman J. Sheahan _____

Alderman H. Brown _____

Alderman A. Hallett _____

Alderman Ferguson _____

Alderman Birch Ferguson _____

Alderman S. Dimas _____

Alderman K. Meissner _____

Alderman M. Garling _____

Alderman R. Stout _____

Alderman G. Garcia _____

Alderman N. Ligino-Kubinski _____

Alderman B. Gagliardi _____

APPROVED as to form: _____
City Attorney

ADOPTED this 4th day of June 2018.

Mayor Ruben Pineda

ATTEST:

City Clerk Nancy M. Smith

PUBLISHED: _____

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

**West Chicago Railroad Days
Western DuPage Chamber of Commerce**

AGENDA ITEM NUMBER: 4. B.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: May 29, 2018
COUNCIL AGENDA DATE:

STAFF REVIEW: Tom Dabareiner

SIGNATURE  _____

APPROVED BY CITY ADMINISTRATOR:

SIGNATURE _____

ITEM SUMMARY:

The Western DuPage Chamber of Commerce has submitted the attached Special Event Permit Application for West Chicago Railroad Days scheduled to take place Thursday, July 12 through Sunday, July 15, 2018 at Pioneer Park in accordance with the terms outlined in Resolution 17-R-0040.

This year's event proposal includes a "One West Chicago" parade theme and a desire to incorporate Healthy West Chicago initiatives in event plans. As in previous years, the event will also include a carnival, food vendors, entertainment, beer garden, and merchant vendors.

The proposed plans will be reviewed in more detail by staff from the Police, Public Works, and Community Development Departments as well as the West Chicago Fire Protection District and Park District during the upcoming monthly coordination meetings.

ACTIONS PROPOSED:

Recommend proposed event plans to proceed as outlined, contingent on the approval of pertinent City departments, liability issues, and an emergency plan.

COMMITTEE RECOMMENDATION:

City of West Chicago SPECIAL EVENT PERMIT APPLICATION

THIS FORM MUST BE COMPLETED IN FULL & SUBMITTED
90 DAYS PRIOR TO THE EVENT



RECEIVED
APR 19 2018
BY: _____

PERMIT NO. _____

Special Event Permit Application

The Special Event Application is due to the City of West Chicago a minimum of ninety (90) days prior to the event if it requires closure of public streets or use of public parking lots. The 90-day time period allows sufficient time to evaluate the request and provide a recommendation to the City Council for its consideration.

Note: Prior to review of the Special Events Permit Application, all applicants must submit the Intent to Meet Insurance Requirements form (page 2).

Submittal Checklist

1. Completed and signed Special Event Application
 - ☐ Intent to Meet Insurance Requirements
 - ☐ Section 1 – General Information
 - ☐ Section 2 – Narrative
 - ☐ Section 3 – Permits
 - ☐ Section 4 – Site Plan and/or Route Map
 - ☐ Section 5 – Task List and Due Dates
 - ☐ Section 6 – Hold Harmless Agreement

2. Completed and signed applications(s) for other permits(s) (See Section 3)
 - ☐ Carnival Permit Application - \$50 per employee
 - ☐ Fireworks Permit Application – \$125 (Check made payable to the West Chicago Fire Protection District)
 - ☐ Building Permit Application (temporary tents – see min. requirements) - \$50
 - ☐ Raffle Registration Application – requires separate application
 - ☐ Temporary Liquor License Application – requires separate application
 - ☐ Temporary Food Service Permit (DuPage Co. Health Dept. 630-682-7979)

***** FOR OFFICE USE ONLY *****

Received: 04/19/18

Fee Paid: \$ N/A

Receipt # N/A

Check # N/A

Event Acknowledgement Form returned by:

Police Dept. _____ Fire Dist. _____ PW _____ Park Dist. _____

- | | |
|---|------------|
| <input type="checkbox"/> Background checks completed by Police Dept. | Date _____ |
| <input type="checkbox"/> DuPage Co. Health Department notified | Date _____ |
| <input type="checkbox"/> Certificate of Insurance received and approved | Date _____ |

***** INTENT TO MEET INSURANCE REQUIREMENTS *****

Must be returned prior to application review by City staff

Prior to the issuance of a Special Event Permit, all organizations must present a certificate of insurance meeting the criteria listed below:

1. Required limits per IRMA are \$1mil per occurrence and general aggregate no less than \$2mil for contractors/vendors.

2. *****PLEASE NOTE:** Under the box labeled "Description of operations/locations/vehicles/exclusions added by endorsement/special provisions", the following language must appear:

"The City of West Chicago, its officials, agents, employees, and volunteers is/are named additionally insured. The additional insured is covered as respect to liability arising out of any work or activities performed on behalf of **(company involved)** for **(event)** **(date, times (if applicable), location)** No endorsements or additional forms modify or limit coverage provided to additional insured. Coverage provided to additional insured is primary as it relates to **(event)**".

3. Vendors shall furnish the additional insured endorsement (*consult insurance professional; examples include but are not limited to forms CG 2010 or CG 2026*) to support the certificate of insurance. The endorsement shall also name **"The City of West Chicago, its officials, agents, employees, and volunteers"** as primary and non-contributory.

4. If applicable, vendor shall furnish the City with evidence of Worker's Compensation coverage with statutory limits.

5. The insurance provider will need to submit the Certificate of Insurance and supporting endorsement form preferably via email to **specialevents@westchicago.org** or fax (630-293-1257) to be considered an original document.

I, David J. Sabathne, President, representing Western DuPage Chamber of Commerce
(print name of authorized person) (organization)
306 Main St.
West Chicago, IL 60185

have contacted the appropriate insurance provider and acknowledge that the above insurance criteria can be met. I understand that the Special Event Permit Application will not be reviewed until this document has been signed and returned to the City of West Chicago.

David J. Sabathne
(signature)

March 30, 2018
(date)

West Chicago Railroad Days
(name of event)

July 12-15, 2018
(date of event)

SECTION 1 – GENERAL INFORMATION

Name of Event: West Chicago Railroad Days

Type of Event:

☒ Parade ☐ Walk/Run/Bike ☒ Carnivals ☐ Fireworks ☒ Festival

☐ Other _____

Location of Event: Pioneer Park

Date(s) of Event: _____ Hours of Event: _____ to _____ Est. Attendance: 8,000

Event Website: www.westerndupagechamber.com

Purpose of event: Contractor providing planning and management of Community Celebration & Festival

Name of Sponsoring Organization(s): City of West Chicago is primary sponsor

Organization's Legal Status (i.e. NFP, Partnership, Corporation): Western DuPage Chamber of Commerce

501c
6

Contact person from sponsoring organization: David J. Sabathre

Organizer address: 306 Main Street

City/State/Zip: West Chicago, IL 60185 Phone: 231-3603

Cell Phone: 675-5368 E-mail: team@westerndupagechamber.com

Emergency contact information (provide mobile numbers for on-site coordinators during event):

1st Contact: David J. Sabathre Phone: 630-675-5368

2nd Contact: Wayne Lofton Jr. Phone: 630-888-9928

Is this an annual event? ☒ Yes ☐ No If Yes, provide next year's event date: July 11-14, 2019

If the event is a recurring event, please state any problems and/or incidents that have occurred in past years, such as noise or neighborhood parking complaints.

None reported

What, if anything, are you doing to rectify the problem(s)?

N/A

SECTION 2 – NARRATIVE

On a separate sheet, provide a detailed description of the overall event. The narrative will serve as the special event proposal to City Council.

2018 West Chicago Railroad Days

Narrative

Railroad Days is an annual event sponsored by the City of West Chicago. The 2018 West Chicago Railroad Days will continue this tradition by providing a four-day event with the following amenities and/or attractions.

- Carnival and Games
- Food Vendors
- Entertainment
- Beer Garden
- Merchant Vendors
- Parade: Sunday July 15th

The parade theme for 2018 is “***One West Chicago***” and this year we have decided to have the community nominate and select the honored person or persons to be our Grand Marshals.

With a new Director recently hired to lead Healthy West Chicago we are hoping that there may also be a presence during some or all the days that the festival is in operation.

We have yet to be informed if the West Chicago Police Department and volunteers will again sponsor a charity run (***Michael Browning***) with funds supporting a scholarship. While this is not a formal Railroad Days activity, we will include it in our marketing material to help support this activity.

2018 West Chicago Railroad Days

Request for City Services

As per our contract and application requirements, the Western DuPage Chamber of Commerce wishes to make a formal request for the following City services regarding the 2017 West Chicago Railroad Days.

Tuesday July 10:

Water meter hook: by Tuesday July 5th

Dumpster delivered to area near east end of parking lot on North edge of park: see map

Wednesday July 11

Preliminary site inspection for equipment and ride license verification and general safety inspection

Thursday July 12

Inspection of festival to provide necessary approvals to open/operate: Approximate time of 2 PM

Police services for security and general event visibility: 4 PM to 10:30 PM

Friday July 13

Police services for security and general event visibility: 4 PM to 11:30 PM

Saturday July 14

Police services for security and general event visibility: Noon to Midnight

Sunday July 15

EARLY AM: No Parking signs posted on parade staging area and parade route: see attached map

Rolling street closures during parade to kick off at 1 PM: ESDA, Public Works and Police as deemed necessary by city staff

Police services for security and general event visibility: 3 PM to 10:30 PM

Monday July 16

Removal of water meters from two locations at approximately 3 PM

Pick-up of barricades

Final Dumpster Removal NO SOONER THAN 2pm

In addition to above, would like to have Railroad Days advertising on City sign at 59 and Main Street and assistance from staff to provide written summary of event for future improvements

West Chicago Railroad Days

July 12 - 15, 2018

Pioneer Park, West Chicago

Entertainment:

Friday, July 13, 2018

The Rack and the Riddler 8:15 PM

click here (<http://www.therackandtheriddler.com/>) to visit them online.

Saturday, July 14, 2018

Journeyman 6:00 PM

click here (<http://journeymantribute.com/>) to visit them online.

Shinning Star 9:00 PM

click here (<https://www.newshiningstar.com/>) to visit them online.

Sunday, July 15, 2018

Parade: Kick off at 1 PM

Sammy and the Knights 4:00 PM

click here (<https://www.facebook.com/sammyknightswinfield/>) to visit them online.

Latin Groove: 6:30 PM

click here (<https://www.chicagolatingroove.com/>) to visit them online

2018 Railroad Days: Building Permit Application
Western DuPage Chamber of Commerce

The Western DuPage Chamber of Commerce, as organizer and manager of the 2018 Railroad Days festival requests that a blanket building permit be issued for the temporary construction of tents to be installed on or shortly after Monday July 9th, 2018 and to be removed on or shortly after Monday July 16th, 2018; as weather permits.

The following schedule of tents to be placed at the event along with the attached layout is included for the purpose of issuance of necessary permit.

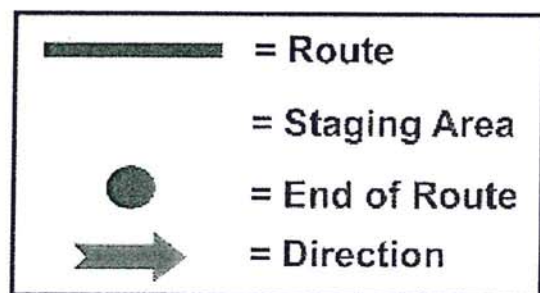
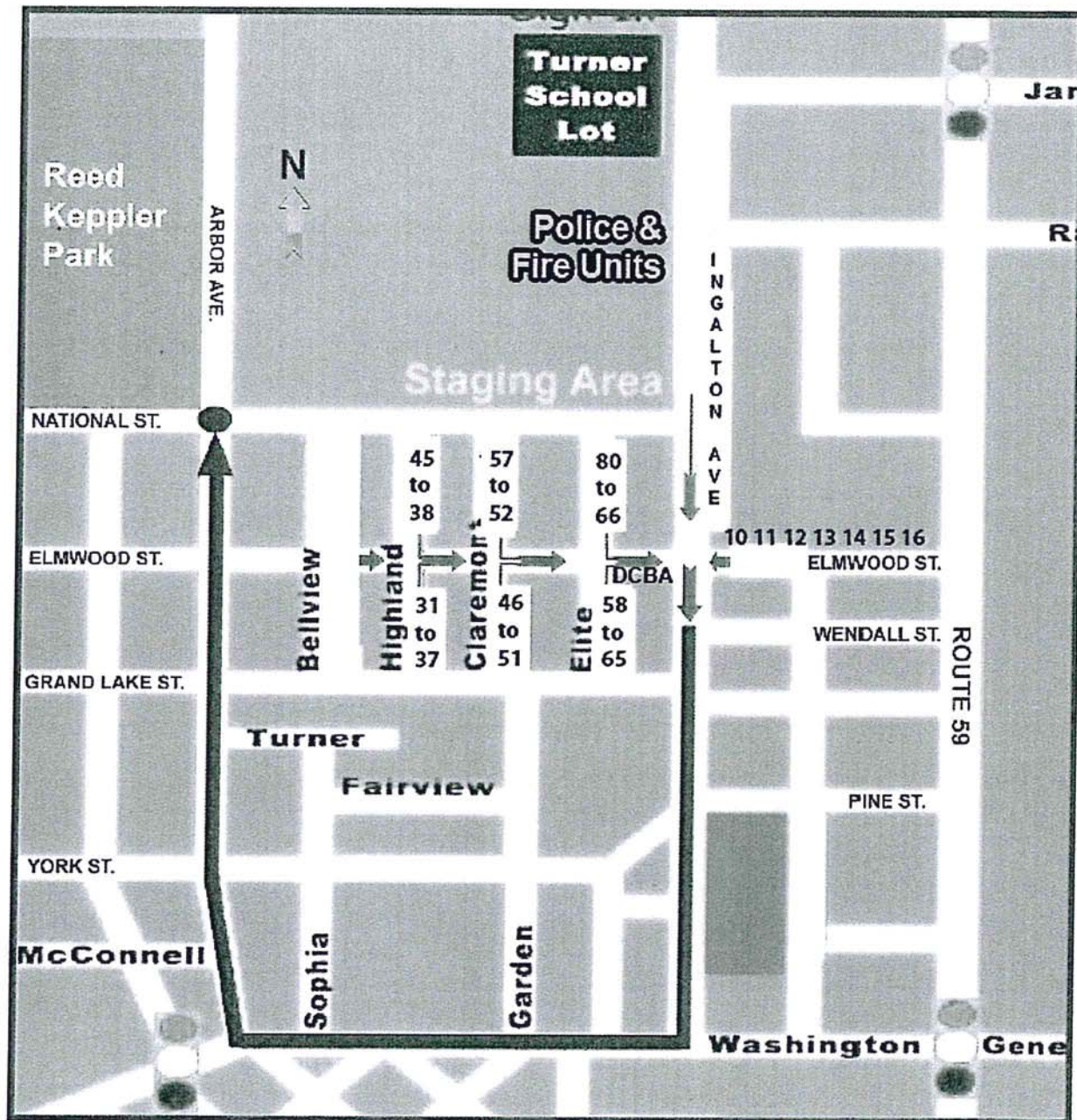
Dimension/SF	Approximate Quantity
10 x 10 / 100 SF tents	20
16 x 16/ 256 SF (Special Vendor Tents and First Aid)	4
12 x 16 / 192 SF (Special Vendor Tent(s))	3
30 x 80 / 2400 SF (Beer Tent and Special Event Area)	2

Vendors, exhibitors and sponsors may have special space needs and/or requests; the chamber, on behalf of the City and other sponsors/partners will make every attempt to accommodate reasonable requests; including but not limited to providing tent(s) of sizes not listed, shorter term placement(s) (those that only participate for one or more days but less than four days). We may also need to adjust the layout to accommodate additions, deletions and/or requests by the City or Fire District officials to improve safety or correct for unexpected conditions.

All tents, equipment, infrastructure and entire layout will be inspected by the City of West Chicago, West Chicago Fire Protection District as well as DuPage County officials where they have jurisdiction, as is the case with food vendors.

Sincerely,

David J. Sabathne', President/CEO



2018
WEST CHICAGO RAILROAD DAYS
PARADE ROUTE

SECTION 3 – PERMITS

Will your event include a carnival? ☒ Yes ☐ No

*If yes, you must submit a **Carnival Permit Application** ninety (90) days prior to the event. Please visit www.westchicago.org under Forms or contact the City of West Chicago at (630) 293-2200 ext. 135 for an application.*

Does your event include the use of a temporary tent in excess of 400 sq. ft. in area with side curtains or 700 sq. ft. in area without side curtains? ☒ Yes ☐ No

*If yes, you must submit a **Building Permit Application** thirty (30) days prior to the event. Please visit www.westchicago.org under Forms or contact the City of West Chicago at (630) 293-2200 ext. 131 for an application.*

Will your event include a fireworks display? ☐ Yes ☒ No

*If yes, you must submit a **Fireworks Permit Application** thirty (30) days prior to the event. Please visit www.westchicago.org under Forms or contact the City of West Chicago at (630) 293-2200 ext. 135 for an application.*

Are you holding a raffle at your event? ☐ Yes ☒ No

*If yes, you must submit a **Raffle Registration Application** fourteen (14) days prior to the event. Not all applicants will qualify for a license. Please visit www.westchicago.org under Forms or contact the City of West Chicago at (630) 293-2200 ext. 170 for an application.*

Will you be applying for a Temporary Liquor License? ☒ Yes ☐ No

*If yes, you must submit a **Temporary Liquor License Application** thirty (30) days prior to the event. To qualify for a Class D license, the applicant must be a local organization or group providing beer and/or wine at a picnic, carnival or similar function. A Class D license shall be authorized on a day-to-day basis but not for more than seven (7) consecutive days. Please contact the City of West Chicago at (630) 293-2200 ext. 170 for an application.*

Will you be serving food at your event? ☒ Yes ☐ No

*If yes, you may be required to submit a **Temporary Food Service Permit Application** thirty (30) days prior to the event. Please contact the DuPage County Health Department at (630) 682-7979 or visit <http://www.dupagehealth.org/temporary-food-service> for additional information.*

Are you requesting services from these departments?

☒ Police ☒ Fire District / Paramedics ☒ Public Works

Specify services: ESDA & C.E.R.T.

Will you be utilizing any of the following services?

☒ Water ☐ Electric/Generator ☐ Other _____

SECTION 4 – SITE PLAN AND/OR ROUTE MAP

Please attach a separate sheet to illustrate the layout for your event.

If applicable, the following must be included:

Location of garbage receptacles (G)
Location of toilets (T)
Location of hand washing sinks (HWS)
Location of retail vendors (RV)
Location of food vendors (FV)
Location of first aid (FA)

Location and number of barricades (B)
Location of fire lane (FL)
Location of fire extinguishers (FE)
Public entrances and exits (PE)
Location of "No Firearms" signage (NF)
Location of sound stages and amplified sound (S)
Location of residential streets surrounding event

Are you requesting the use of any City-owned property, i.e. City streets, parking lots, or sidewalks?

☒ Yes ☐ No If yes, please indicate the property that you are requesting to use.

Parade only on Sunday July 15th

Would you like to request the closing of City streets?

☒ Yes ☐ No

If yes, please fill in the following information or submit a route map along with this application:

Street	From	To	Dates	Times
<u>Route attached</u>				

SECTION 5 – PLANNING WORKSHEET AND REQUIRED TASK DUE DATES*

Use this form to determine the date each of these tasks needs to be completed. For tasks that do not apply, please mark "N/A" in the Due Date column. If the Due Date falls on a weekend or holiday, the Due Date becomes the next normal business day. However, this does not affect the other Due Dates, as they are only dependent on the date of the special event.

Note: This section must be completed by event organizer prior to notary signature.

Date of Special Event: _____

Tasks to be completed (All items due to City unless noted)	Days Due Before Event	Due Date
Submit "Intent to Meet Insurance Requirements" Document (included with Special Event Permit Application, pg.2)	Prior to application review	Prior to application review
Submit Special Event Permit Application	90 days	04/19/18
Submit Carnival Permit Application	90 days	04/12/18
Submit Fireworks Permit Application	30 days	06/12/18
Submit Temporary Liquor License Application	30 days	06/12/18
Submit Building (Temporary Tent) Permit Application	30 days	06/12/18
Submit Temporary Food Service Permit Application(s) (DuPage County Health Dept. – 630-682-7979)	30 days	06/12/18
Submit Original Certificate of Insurance*	21 days*	06/21/18
Submit Raffle Registration Application	14 days	06/28/18
Notify residents/businesses of special event	14 days	06/28/18
Post "No Firearms" signs at all public entrances (See IL State Police requirements for standardized sign in West Chicago's <i>Special Events Policy</i>)	N/A	Day of Event

***If this requirement is not met, the proposed event may be cancelled.**

SECTION 6 – WAIVER AND HOLD HARMLESS AGREEMENT

In consideration of the Western DuPage Chamber of Commerce (name of organization) and its Members, employees, volunteers or guests, being allow to participate in Railroad Days, (the Activity) the undersigned hereby recognizes, acknowledges and assumes any and all risk pertaining to Western DuPage Chamber of Commerce (name of organization) participation in the Activity.

To the fullest extent permitted by law, the Western DuPage Chamber of Commerce (name of organization) hereby agrees to defend, indemnify and hold harmless the City of West Chicago, its officials, agents and employees, against all injuries, deaths, loss, damages, claims, suits, liabilities, judgments, cost and expenses (including attorneys fees), which may in anywise accrue against the City of West Chicago, its officials, agents and employees, arising in consequence of Western DuPage Chamber of Commerce (name of organization) participation in the Activity, or which may in anywise result therefore, except that arising out of the sole legal cause of the City of West Chicago, its agents or employees. The Western DuPage Chamber of Commerce (name of organization) shall, at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising therefore or incurred in connections therewith, and, if any judgment shall be rendered against the City of West Chicago, its officials, agents and employees, in any such action, the Western DuPage Chamber of Commerce (name of organization) at its own expense, satisfy and discharge the same.

The invalidity or unenforceability of any of the provisions hereof shall not affect the validity or enforceability of the remainder of this Agreement.

The undersigned represents it has full authority to execute this Waiver and Hold Harmless Agreement on behalf of the Western DuPage Chamber of Commerce (name of organization).

Agreed this 31 day of March, 2018
Western DuPage Chamber of Commerce
306 Main St.
Name of Organization West Chicago, IL 60185

David J. Sabathre
Print Name of Authorized Person

D. Sabathre
Signature of Authorized Person

President / CEO
Title

The Organization and the authorized signatory below agree to inform the City of West Chicago of any changes in the application at least thirty (30) days prior to the event. *Please note: Final approval of this event is pending satisfactory completion of Certificate of Insurance requirements.*

Signatory agrees to abide by all requirements of the Special Events Policy, including compliance with the State of Illinois Firearm Concealed Carry Act.

***All applications must be signed and notarized.**

Western DuPage Chamber of Commerce
(Name of Organization)

David G. Sabathne
(Print Name of Signatory)

4/19/2018
(Date)

By [Signature]
(Authorized Signatory)



[Signature]
(Notary Public)

Signed and sworn to before me this 19th day of April, 2018.

After submitting all forms, your application will be reviewed by City staff. All departments that will be involved in providing services or permits for the event will be notified. **Please do not assume that all aspects of the event will be approved. You may be asked to make some changes to your plan based on the availability of services or scheduling of other events.**

The City of West Chicago reserves the right to cancel any event at any time for reasons deemed necessary by the City Council and/or City Administrator.

Deliver all completed items to:

City of West Chicago
Attn: Community Development – Special Events
475 Main Street
West Chicago, IL 60185

FOR OFFICE USE ONLY

Based on the information which has been submitted and contingent upon approval of any necessary inspections the day of the event, the request for a permit has been:

☐ Approved Permit No. _____

Authorized Signature

Title

Date

☐ Denied

Remarks:

CITY OF WEST CHICAGO

PUBLIC AFFAIRS COMMITTEE AGENDA ITEM SUMMARY

ITEM TITLE:

Back-to-School Fun Run & Kiddie Dash
Healthy West Chicago & Race Time Inc.

AGENDA ITEM NUMBER: 4.C.

FILE NUMBER: _____

COMMITTEE AGENDA DATE: May 29, 2018

COUNCIL AGENDA DATE: _____

STAFF REVIEW: Tom Dabareiner

SIGNATURE  _____

APPROVED BY CITY ADMINISTRATOR:

SIGNATURE _____

ITEM SUMMARY:

Healthy West Chicago is proposing a Back-to-School Fun Run & Kiddie Dash on Saturday, August 18, 2018 at Reed-Keppler Park. This event is a combination of a 5K run/walk and a 100 meter dash for children. The proposed route is the route previously used for the Michael Browning 5k.

Registration and set-up is scheduled for 6:30 a.m. The 5k race begins at 8:30 a.m. and the 100 meter Kiddie Dash begins at approximately 9:30 a.m., after the last 5k participant crosses the finish line. The entire event is expected to end at approximately 11:00 a.m.

The course route has been reviewed by staff from the Police, Public Works, and Community Development Departments as well as the West Chicago Fire Protection District and Park District. The Special Event Permit Application is attached, which includes the course map.

Police services are requested for assistance with a rolling street closure of National and Yale streets at the start of the race.

A certificate of insurance will be provided by Race Time Inc.

ACTIONS PROPOSED:

- Recommend event for approval as proposed.

COMMITTEE RECOMMENDATION:

City of West Chicago SPECIAL EVENT PERMIT APPLICATION

THIS FORM MUST BE COMPLETED IN FULL & SUBMITTED
90 DAYS PRIOR TO THE EVENT

PERMIT NO. _____



RECEIVED
MAR 26 2018

BY: BB

Special Event Permit Application

The Special Event Application is due to the City of West Chicago a minimum of ninety (90) days prior to the event if it requires closure of public streets or use of public parking lots. The 90-day time period allows sufficient time to evaluate the request and provide a recommendation to the City Council for its consideration.

Note: Prior to review of the Special Events Permit Application, all applicants must submit the Intent to Meet Insurance Requirements form (page 2).

Submittal Checklist

1. Completed and signed Special Event Application
 - ☐ Intent to Meet Insurance Requirements
 - ☐ Section 1 – General Information
 - ☐ Section 2 – Narrative
 - ☐ Section 3 – Permits
 - ☐ Section 4 – Site Plan and/or Route Map
 - ☐ Section 5 – Task List and Due Dates
 - ☐ Section 6 – Hold Harmless Agreement

2. Completed and signed applications(s) for other permits(s) (See Section 3)
 - ☐ Carnival Permit Application - \$50 per employee
 - ☐ Fireworks Permit Application –
\$125 (Check made payable to the West Chicago Fire Protection District)
 - ☐ Building Permit Application (temporary tents – see min. requirements) - \$50
 - ☐ Raffle Registration Application – requires separate application
 - ☐ Temporary Liquor License Application – requires separate application
 - ☐ Temporary Food Service Permit (DuPage Co. Health Dept. 630-682-7979)

***** FOR OFFICE USE ONLY *****

Received: 3/26/18

Fee Paid: \$ N/A

Receipt # N/A

Check # N/A

Event Acknowledgement Form returned by:

Police Dept. _____ Fire Dist. _____ PW _____ Park Dist. _____

- | | |
|---|------------|
| <input type="checkbox"/> Background checks completed by Police Dept. | Date _____ |
| <input type="checkbox"/> DuPage Co. Health Department notified | Date _____ |
| <input type="checkbox"/> Certificate of Insurance received and approved | Date _____ |

***** INTENT TO MEET INSURANCE REQUIREMENTS *****

Must be returned prior to application review by City staff

Prior to the issuance of a Special Event Permit, all organizations must present a certificate of insurance meeting the criteria listed below:

1. Required limits per IRMA are \$1mil per occurrence and general aggregate no less than \$2mil for contractors/vendors.

2. *****PLEASE NOTE:** Under the box labeled "Description of operations/locations/vehicles/exclusions added by endorsement/special provisions", the following language must appear:

"The City of West Chicago, its officials, agents, employees, and volunteers is/are named additionally insured. The additional insured is covered as respect to liability arising out of any work or activities performed on behalf of (**company involved**) for (**event**) (**date, times (if applicable), location**) No endorsements or additional forms modify or limit coverage provided to additional insured. Coverage provided to additional insured is primary as it relates to (**event**)".

3. Vendors shall furnish the additional insured endorsement (*consult insurance professional; examples include but are not limited to forms CG 2010 or CG 2026*) to support the certificate of insurance. The endorsement shall also name "**The City of West Chicago, its officials, agents, employees, and volunteers**" as primary and non-contributory.

4. If applicable, vendor shall furnish the City with evidence of Worker's Compensation coverage with statutory limits.

5. The insurance provider will need to submit the Certificate of Insurance and supporting endorsement form preferably via email to **specialevents@westchicago.org** or fax (630-293-1257) to be considered an original document.

I, Carly Smitherman, representing Healthy West Chicago
(print name of authorized person) (organization)

have contacted the appropriate insurance provider and acknowledge that the above insurance criteria can be met. I understand that the Special Event Permit Application will not be reviewed until this document has been signed and returned to the City of West Chicago.

Carly Smitherman
(signature)

3/27/2018
(date)

Back-to-School Fun Run
(name of event)

8/18/2018
(date of event)

SECTION 1 – GENERAL INFORMATION

Name of Event: Back-to-School Fun Run + Kiddie Dash

Type of Event:

☐ Parade ☒ Walk/Run/Bike ☐ Carnivals ☐ Fireworks ☐ Festival

☐ Other _____

Location of Event: Reed-Keppler Park

Date(s) of Event: 8/18/2018 Hours of Event: 6:30am to 11:00am Est. Attendance: 150

Event Website: healthywestchicago.com

Purpose of event: Fun Run

Name of Sponsoring Organization(s): Healthy West Chicago

Organization's Legal Status (i.e. NFP, Partnership, Corporation): NFP

Contact person from sponsoring organization: Carly Smitherman

Organizer address: 129 main st

City/State/Zip: West Chicago, IL Phone: 630-230-6370

Cell Phone: 630-230-6370 E-mail: carly.s@healthywestchicago.org

Emergency contact information (provide mobile numbers for on-site coordinators during event):

1st Contact: Sara Phalen Phone: 630-231-3376

2nd Contact: Marjory Lewe-Brady Phone: 630-293-6000 ext 225

Is this an annual event? ☐ Yes ☒ No If Yes, provide next year's event date: _____

If the event is a recurring event, please state any problems and/or incidents that have occurred in past years, such as noise or neighborhood parking complaints.

N/A

What, if anything, are you doing to rectify the problem(s)?

N/A

SECTION 2 – NARRATIVE

On a separate sheet, provide a detailed description of the overall event. The narrative will serve as the special event proposal to City Council.

**Healthy West Chicago Sponsored Special Event
Healthy West Chicago Back-to-School Fun Run and Kiddie Dash
Special Event Proposal
Saturday August 18, 2018**

Event Overview:

The Back-to-School Fun Run and Kiddie Dash will be sponsored by Healthy West Chicago, with the support of WeGo Together for Kids and Race Time Inc. This event will take place on Saturday August 18th, 2018 with the race beginning at 8:30 a.m. This event will attract participants from West Chicago and surrounding communities. The Fun Run will include features such as a race t-shirt and awards by gender/age groups.

Race Time Inc. has offered to donate select race services and resources to reduce the overall cost to the City. The Healthy West Chicago's Program Administrator will coordinate the Back-to-School Fun Run & Kiddie Dash activities with Race Time Inc., Healthy West Chicago/WeGo Together for Kids Volunteer Committee, ~~Police Department and Public Works~~, in cooperation with the Park District and Fire Protection District.

General Information:

Main Contact

Carly Smitherman
Healthy West Chicago Program Administrator
Phone: (630) 230-6370
Email: carlys@healthywestchicago.org

Proposed Course

USATF course Run to Remember.
Proposed map of race course submitted with permit application.
Course length: 3.1 miles.

Registration & Fee Structure

5K Run/Walk Adult (18 and older) \$30.00
5K Run/Walk Student (17 and under) \$10.00
Kiddie Dash: Free
Resident Discount: West Chicago residents will be offered a \$5 discount.

All proceeds from the event will be used to continue with Healthy West Chicago programing and sustainability.

Main Event Schedule

6:30 AM Staff & Volunteer Set-Up Begins

7:00 AM Registration Opens

8:00 AM Registration Closes

8:15 AM Group Stretch

8:30 AM 5K Walk/Run starts

9:30 AM Kiddie Dash starts (approximate; after last 5k participant crosses finish line) -

*100 meter
dash on
park
property*

10:00 AM Awards Announced/Distributed

10:20 AM Site Clean Up Begins

11:00 AM Site Clean Up Ends

Race Timing and 5k Course Organizer

Organizer: Race Time Finish Line Management & Timing Company

Website: <http://www.racetime.info>

Contact: Julie Pearson

Email: racetime21@hotmail.com

Awards Participants Receive

5K Run: Awards will be distributed to one male and one female in each of the following categories/age groups. Overall, 10 & under, 11 – 14, 15 – 19, 20 – 29, 30 – 39, 40 – 49, 50 – 59, 60 – 69, 70 & over

Kiddie Dash: Finisher's ribbon

5k Walk/Run Participants Receive

Short sleeved 5k t-shirt

All Event Attendees Receive the Following

Water

Aid/water stations at Start/Finish and near mile markers 1 and 2 along the course

First-aid tent

Official Chip time

Music and announcer at Start/Finish

Cancelation

Event will only be canceled in extreme weather.

City will be called the morning of the race to be notified.

Website & Registration Structure

Participants will register using Race Time Inc.'s online platform.

Participants can also register by submitting a completed "Back-to-School Fun Run Registration Form" to Race Time Inc. with cash or check payment.

Electronic signature of liability "Waiver & Release" will be required.

Volunteer sign-up option will also be available.

