



# MOLINE CITY COUNCIL AGENDA

Tuesday, August 6, 2019

6:00 p.m.

(Immediately following the Committee-of-the-Whole meeting)

City Hall

Council Chambers – 2<sup>nd</sup> Floor

619 16th Street

Moline, IL

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**Call to Order**

**Pledge of Allegiance**

**Invocation – Alderman Parker**

**Roll Call**

**Consent Agenda**

All items under the consent agenda will be enacted by one motion. There will be no separate discussions of these items unless a Council Member so requests, in which case, the item will be moved from the Consent Agenda and considered as the first item after the Omnibus Vote.

COUNCIL MEMBER	PRESENT	ABSENT
Williams		
Parker		
Wendt		
Potter		
Moyer		
Schoonmaker		
Waldron		
Berg		
Mayor Acri		

**Approval of Minutes & Appointments Made**

Committee-of-the-Whole and Council meeting minutes of July 30, 2019.

**Second Reading Ordinances**

**1. Council Bill/General Ordinance 3020-2019**

**An Ordinance amending Chapter 22, “OFFENSES – MISCELLANEOUS,” of the Moline Code of Ordinances, Section 22-1105, regarding tobacco and tobacco associated products, to prohibit their sale to and purchase and/or possession by any persons under the age of twenty-one (21).**

**Explanation:** The State of Illinois recently amended the state statutes concerning the sale of tobacco and related products (such as e-cigarettes) to raise the age for purchase from 18 to 21. This change necessitates a change in Moline’s Code of Ordinances concerning the sale of tobacco and related products. The amendments set forth account for the statutory change in age, add a definition and regulations for e-cigarettes, and also prohibit the possession of tobacco and related products by persons under the age of 21. The provisions adding the regulation of possession by persons under 21 is intended to give Moline law enforcement an additional tool in working with high school students and the problems created by smoking and now vaping.

**Fiscal Impact:** N/A

**Public Notice/Recording:** N/A

**2. Council Bill/Special Ordinance 4014-2019**

**A Special Ordinance closing certain streets more particularly described herein to vehicular traffic; and authorizing the use of public right-of-way in conjunction with the Crime Stoppers 5K and 1-Mile Fun Run to be held on Saturday, August 17, 2019.**

**Explanation:** This road race is returning as an annual event. Approximately 300 participants are expected. The event plan has been reviewed and approved by the Special Event Committee. Additional documentation attached.

**Fiscal Impact:** TBD

**Public Notice/Recording:** N/A

**Omnibus Vote**

**Miscellaneous Business (if necessary)**

**Public Comment**

Members of the Public are permitted to speak after coming to the podium and stating their names.

**Executive Session (if necessary)**

OMNIBUS VOTE		
Council Member	Aye	Nay
Parker		
Wendt		
Potter		
Moyer		
Schoonmaker		
Waldron		
Berg		
Williams		
Mayor Acri		

Council Bill/General Ordinance No. 3020-2019

Sponsor: \_\_\_\_\_

AN ORDINANCE

AMENDING Chapter 22, “OFFENSES – MISCELLANEOUS,” of the Moline Code of Ordinances, Section 22-1105, regarding tobacco and tobacco associated products, to prohibit their sale to and purchase and/or possession by any persons under the age of twenty-one (21).

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WHEREAS, the City of Moline has the authority to adopt ordinances, to promulgate rules and regulations that pertain to its government and affairs, including the coordination and operation of various activities and events within its boundaries, and to protect the public health, safety, and welfare of its residents; and

WHEREAS, the City has adopted ordinances and promulgated rules and regulations concerning the sale and possession of tobacco; and

WHEREAS, the State of Illinois has made it illegal to sell tobacco and associated products to persons under the age of 21; and

WHEREAS, the City desires to amend its Code of Ordinances in response to the new law of the State of Illinois concerning the sale of tobacco and associated products; and

WHEREAS, the City also desires to amend its Code of Ordinances to define electronic cigarettes, also known as e-cigarettes, and to further regulate the possession of tobacco, tobacco products, smoking herbs, electronic cigarettes and alternative nicotine products by persons under the age of 21.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** – That the facts and statements contained in the preambles to this ordinance are found to be true and correct and are hereby adopted as part of this ordinance.

**Section 2** – That Chapter 22, “OFFENSES – MISCELLANEOUS,” of the Moline Code of Ordinances, Section, 22-1105, “TOBACCO PRODUCTS, TOBACCO ACCESSORIES, SMOKING HERBS AND ALTERNATIVE NICOTINE PRODUCTS,” is hereby amended to “TOBACCO PRODUCTS, TOBACCO ACCESSORIES, SMOKING HERBS, ELECTRONIC CIGARETTES AND ALTERNATIVE NICOTINE PRODUCTS,” and shall read as follows:

**“SEC. 22-1105. TOBACCO PRODUCTS, TOBACCO ACCESSORIES, SMOKING HERBS, ELECTRONIC CIGARETTES AND ALTERNATIVE NICOTINE PRODUCTS.**

(a) **Definitions.** For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

\* \* \* \* \*

(3) Electronic cigarette or E-Cigarette means a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any combination thereof that is turned into vapor which is inhaled by the user.

(34) Smoking herbs means all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

(45) Tobacco accessories means cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines, and other items, designed primarily for the smoking, inhaling, or ingestion of tobacco products or of substances made illegal under any Illinois state statute or this chapter or of substances whose sale, gift, barter, or exchange is made unlawful under this Section.

(56) Tobacco products means any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe, tobacco, snuff, chewing tobacco or dipping tobacco.

(67) 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, tobacco accessories, smoking herbs, electronic cigarettes, or any alternative nicotine product, or any cartridge or component of an alternative nicotine product or electronic cigarette.

(b) **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, smoking herbs, tobacco accessories, smoking herbs, electronic cigarettes, or any alternative nicotine ~~tobacco~~ products within the City without having first obtained a tobacco dealer's license therefore pursuant to this Chapter.

\* \* \* \* \*

(e) **Prohibited sales, delivery – signs.**

(1) It shall be unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco products, tobacco accessories, smoking herbs, electronic cigarettes or any alternative nicotine product, or any cartridge or component of an alternative nicotine product or electronic cigarette to any person under the age of twenty-one (21) ~~eighteen (18)~~ years.

(2) 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, tobacco accessories, smoking herbs, electronic cigarettes, or any alternative nicotine products, ~~or smoking herbs~~, and on or upon every vending machine which offers tobacco products, tobacco accessories, smoking herbs, electronic cigarettes or any alternative nicotine products ~~or smoking herbs~~ for sale. Each such sign shall be plainly visible and shall state:

**“THE SALE OF TOBACCO PRODUCTS, TOBACCO ACCESSORIES, SMOKING HERBS, ELECTRONIC CIGARETTES, OR ALTERNATIVE NICOTINE PRODUCTS OR SMOKING HERBS TO PERSONS UNDER TWENTY ONEEIGHTEEN YEARS OF AGE IS PROHIBITED BY LAW.”**

Additionally, signs warning the public of the health implications of smoking shall be posted by every licensee at or near every display of tobacco products, tobacco accessories, ~~or~~ smoking herbs, [electronic cigarettes or any alternative nicotine products](#) and on or upon every vending machine which offers tobacco products, tobacco accessories ~~or~~, smoking herbs, [electronic cigarettes or any alternative nicotine products](#) for sale. Each such sign shall be plainly visible and shall state:

**“SURGEON GENERAL’S WARNING: SMOKING BY PREGNANT WOMEN MAY RESULT IN FETAL INJURY, PREMATURE BIRTH AND LOW BIRTH WEIGHT.”**

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

(3) It shall be unlawful for any person, including any licensee, to possess, sell, offer for sale, give away or deliver a bidi cigarette to another person.

(f) **Minimum age to sell tobacco products.** It shall be unlawful for any person, any licensee or any officer, associate, member, representative, agent or employee of such licensee, to engage, employ or permit any other person under eighteen (18) years of age to sell tobacco products, tobacco accessories, ~~or~~ smoking herbs, [electronic cigarettes or any alternative nicotine products](#) in any licensed premises or any other premises.

(g) **Purchase by persons under the age of 21 minors prohibited.** It shall be unlawful for any person under the age of ~~eighteen (18)~~ [twenty one \(21\)](#) years to purchase any tobacco products, tobacco accessories, smoking herbs, [electronic cigarettes](#) or any alternative nicotine product, or any cartridge or component of an alternative nicotine product [or electronic cigarette](#), or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products, tobacco accessories, smoking herbs, [electronic cigarettes](#) or any alternative nicotine product, or any cartridge or component of an alternative nicotine product [or electronic cigarette](#).

(h) **Possession by persons under the age of 21 minors prohibited.** It shall be unlawful for any person under the age of ~~eighteen (18)~~ [twenty one \(21\)](#) years to possess any tobacco products, tobacco accessories, smoking herbs, [electronic cigarettes](#) or any alternative nicotine product, or any cartridge or component of an alternative nicotine product [or electronic cigarette](#); provided that the possession by a person under the age of [twenty one \(21\)](#) ~~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.

(i) **Proximity to certain institutions.** It shall be unlawful for any person including any licensee to sell, offer for sale, give away or deliver tobacco products, tobacco accessories, smoking herbs, [electronic cigarettes](#) or any alternative nicotine product, or any cartridge or component of an alternative nicotine product [or electronic cigarette](#), within one hundred (100) feet from the property line of any school, child care facility or other premises used for educational or recreational programs for persons under the age of ~~eighteen (18)~~ [twenty one \(21\)](#) ~~eighteen (18)~~ years.

(j) **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, tobacco accessories, smoking herbs, [electronic cigarettes](#) or any alternative nicotine product, or any cartridge or component of an alternative nicotine product [or electronic cigarette](#), 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, tobacco accessories, smoking herbs, [electronic cigarettes](#) or any alternative nicotine product, or any cartridge or component of an alternative nicotine product [or electronic cigarette](#), 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 board, or any public library.

(k) **Vending machines - locking devices.**

(1) It shall be unlawful for any person or 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, tobacco accessories, smoking herbs, [electronic cigarettes](#) or any alternative nicotine product, or any cartridge or

component of an alternative nicotine product or electronic cigarette, by use of a vending machine, unless such vending machine is equipped with a 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.

- (2) 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 the business located at such premises, shall be exempt from the requirements of Sec. 22-1105 (k)(1) above.”

\* \* \* \* \*

**Section 3** – That if any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**Section 4** – That all prior ordinances and resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

**Section 5** – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_

Attest: \_\_\_\_\_

City Clerk

Council Bill/Special Ordinance No. 4014-2019

Sponsor: \_\_\_\_\_

A SPECIAL ORDINANCE

CLOSING certain streets more particularly described herein to vehicular traffic; and

AUTHORIZING use of public right-of-way in conjunction with the Crime Stoppers 5K and 1-Mile Fun Run to be held on Saturday, August 17, 2019.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOLINE, ILLINOIS, as follows:

**Section 1** – That this Council hereby authorizes and directs the Mayor, Director of Public Works and Chief of Police to erect barricades and post temporary signs, if necessary, for the purpose of closing the following designated roadways to vehicular traffic during the specified times referenced herein, to include event set up and clean up:

Saturday, August 17, 2019, from 6:00 a.m. to 12:00 p.m.

- All westbound lanes of River Drive from 17<sup>th</sup> Street to 1<sup>st</sup> Street.

It shall be an offense to use said roadways for vehicular purposes during said time.

**Section 2** – That this ordinance shall constitute a one-time variance of the Moline Code of Ordinances and any other ordinances or resolutions with which it may conflict and shall not be considered to repeal, alter or void such ordinances or resolutions in conflict herewith.

**Section 3** – That this ordinance shall be in full force and effect from and after passage, approval, and if required by law, publication in the manner provided for by law.

CITY OF MOLINE, ILLINOIS

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
August 6, 2019

\_\_\_\_\_  
Date

Passed: August 6, 2019

Approved: August 13, 2019

Attest: \_\_\_\_\_

City Clerk