

**CITY OF WEST CHICAGO**

---

**ORDINANCE NO. 17-O-0018**

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE II, DIVISION 1,  
GENERALLY, AND DIVISION 5, AFFECTING PUBLIC SAFETY AND PEACE, OF  
THE WEST CHICAGO CODE OF ORDINANCES**

---

**ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF WEST CHICAGO  
July 3, 2017**

Published in pamphlet form by the authority of the City Council of the City of West Chicago,  
DuPage County, Illinois, on the 4<sup>th</sup> day of July 2017.

**ORDINANCE NO. 17-O-0018**

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE II, DIVISION 1, GENERALLY, AND DIVISION 5, AFFECTING PUBLIC SAFETY AND PEACE, OF THE WEST CHICAGO CODE OF ORDINANCES**

**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 prohibit the possession of powdered alcohol (Palcohol) and Alcohol Without Liquid (AWOL) devices.

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 the Code of Ordinances of the City of West Chicago is hereby amended by adding new definitions to Chapter 11, Offenses and Miscellaneous Provisions, Article II. – Offenses, Division 1, Generally, Section 11-16 as follows:

*Alcohol Without Liquid Machine (AWOL) means:*

A device designed, manufactured, marketed or used for the purpose of mixing alcoholic liquor, any liquid containing more than one percent (1%) of alcohol, or alcohol powder with oxygen, air or another gas to produce a mist or vapor for inhalation or snorting for non-medicinal purpose.

A device designed, manufactured, marketed or used for the purpose of mixing a product with oxygen, air or another gas to produce a mist or vapor for inhalations or snorting which has a stimulant, depressant or hallucinogenic effect on the central nervous system for non-medicinal purposes.

It shall not include such medical devices as inhalers, nebulizers, atomizers or other devices properly prescribed by a physician and being used to dispense a prescribed medication to the holder of such prescription.

*Palcohol means any powder or crystalline substance containing "alcohol" produced for human consumption."*

(Ord. No. 879, Art. I, § 12, 5-17-65)

Section 2. That the Code of Ordinances of the City of West Chicago is hereby amended by adding Sec. 11-72 and 11-73 to Chapter 11, Article II, Division 5, Affecting Public Safety and Peace as follows:

“Sec. 11-72 - Alcohol without Liquid (AWOL) Machines prohibited.

- (1) It shall be unlawful to possess, sell, transfer or use an alcohol without liquid (AWOL) machine or device within the City.
- (2) It shall be unlawful to use a medical device such as an inhaler, nebulizer, atomizer or other device properly prescribed by a physician for the purpose of mixing alcoholic liquor or powder with oxygen, air or another gas to produce a mist or vapor for inhalation or snorting for non-medicinal purposes within the City.
- (3) The AWOL machine or device is subject to immediate seizure by the police department. The machine may be ordered destroyed, after an opportunity for a hearing and an order of the circuit court.

Sec.11-73. – Possession of Powdered or Smoking Alcohol prohibited.

No person shall advertise, use, sell, offer for sale, deliver, receive, or possess any product consisting of or containing powdered alcohol (Palcohol) or smoking alcohol.”

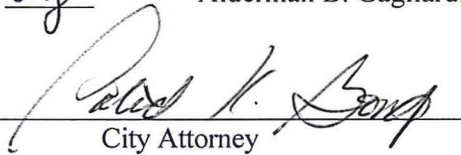
Section 3. That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed

Section 4. 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 3rd day of July 2017.

Alderman J. Beifuss	<u>Aye</u>	Alderman L. Chassee	<u>Aye</u>
Alderman J. Sheahan	<u>Aye</u>	Alderman H. Brown	<u>Aye</u>
Alderman A. Hallett	<u>Aye</u>	Alderman Michael Ferguson	<u>Aye</u>
Alderman Birch Ferguson	<u>Aye</u>	Alderman S. Dimas	<u>Absent</u>
Alderman K. Meissner	<u>Aye</u>	Alderman J.C. Smith, Jr.	<u>Aye</u>
Alderman R. Stout	<u>Aye</u>	Alderman G. Garcia	<u>Aye</u>
Alderman N. Ligino-Kubinski	<u>Aye</u>	Alderman B. Gagliardi	<u>Absent</u>

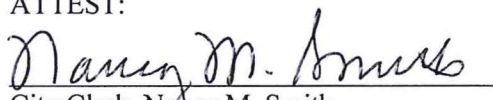
APPROVED as to form:

  
City Attorney

APPROVED this 3rd day of July 2017.

  
Mayor, Ruben Pineda

ATTEST:

  
City Clerk, Nancy M. Smith

PUBLISHED: 7/4/17





STATE OF ILLINOIS       )  
COUNTY OF DU PAGE     )

## ***CERTIFICATE***

I, Nancy Smith, Certify that I am the duly elected and acting City Clerk of the City of West Chicago, DuPage County, Illinois.

I further certify that on July 3, 2017 the Corporate Authorities of such municipality passed and approved Ordinance No. 17-O-0018 entitled:

---

**AN ORDINANCE AMENDING CHAPTER 11, ARTICLE II, DIVISION 1, GENERALLY,  
AND DIVISION 5, AFFECTING PUBLIC SAFETY AND PEACE, OF  
THE WEST CHICAGO CODE OF ORDINANCES**

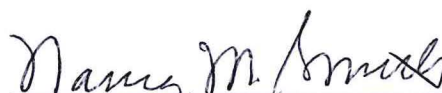
---

Which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 17-O-0018 including the ordinance and a cover sheet hereof was prepared, and a copy of such ordinance posted in the municipal building, commencing on July 4, 2017 continuing for at least ten days thereafter. Copies of such ordinance were also available for public inspection upon request in the Office of the City Clerk.

Dated at West Chicago, Illinois, this 3<sup>rd</sup> of July, 2017.



  
\_\_\_\_\_  
Nancy Smith, City Clerk