

ORDINANCE NUMBER 19 - 23

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AMENDING CHAPTER 133 OF THE VILLAGE OF EAST DUNDEE VILLAGE CODE REGARDING THE UNDERAGE POSSESSION, SALE AND PURCHASE OF TOBACCO AND ALTERNATIVE NICOTINE PRODUCTS

WHEREAS, the Village of East Dundee ("Village") is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, on April 7, 2019, the Governor of the State of Illinois signed Public Act 101-002 into law, which raised the legal age in the State of Illinois to purchase tobacco products, inclusive of alternative nicotine products, in the State of Illinois from eighteen (18) to twenty-one (21), which takes effect on July 1, 2019; and

WHEREAS, the President and Board of Trustees of the Village have deemed it to be in the best interest of the Village that the Village of East Dundee Village Code ("Village Code") be amended to increase the minimum age to sell, possess and purchase tobacco and alternative nicotine products from eighteen (18) to twenty-one (21);

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Ordinance.

SECTION 2: Village Code Amendment. That the Village Code is hereby amended as follows:

Amendment One:

Section 133.096 of the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

It shall be unlawful for any person under the age of ~~18~~ 21 years of age to purchase tobacco products or alternative nicotine products or to misrepresent their identity or age or to use any false or altered identification for the purpose of purchasing tobacco products or alternative nicotine products.

Amendment Two:

Section 133.097 of the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

(A) It shall be unlawful for any person or entity to sell, cause to be sold, offer for sale, give away or deliver tobacco products or alternative nicotine products to any person under the age of ~~18~~ 21 years.

(B) A person or entity who has reason to believe that a person attempting to purchase tobacco products or alternative nicotine products is under the age of ~~18~~ 21 years, they shall require photographic identification from the individual prior to making the sale.

Amendment Three:

Section 133.098 of the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

It shall be unlawful for any person under the age of ~~18~~ 21 years to be in possession of any tobacco product(s) or alternative nicotine product(s).

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

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ADOPTED this 8th day of July, 2019 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Wood, Mahony, Andresen and Kunze

NAYES: Ø

ABSENT: Ø

APPROVED by me this 8th day of July, 2019.



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 10th day of July, 2019, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on July 10, 2019.