

ORDINANCE NUMBER 18 - 11

AN ORDINANCE OF THE VILLAGE OF EAST DUNDEE, COOK
AND KANE COUNTIES, ILLINOIS PROHIBITING THE SALE,
PURCHASE AND POSSESSION OF ALTERNATIVE NICOTINE
PRODUCTS WITH REGARD TO MINORS

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, the President and Board of Trustees of the Village have deemed it to be in the best interest of the Village that the sale of alternative nicotine products to minors be prohibited, and that minors be prohibited from purchasing or possessing alternative nicotine products, and that the best interest of the Village is served by amending the Village of East Dundee Village Code ("Village Code") in regard thereto;

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 Amendments. That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

Amendment 1:

Section 133.095 of the Village Code is hereby amended and shall read as follows:

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

TOBACCO PRODUCTS. Any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing or dipping tobacco.

ALTERNATIVE NICOTINE PRODUCTS. A product or device not consisting of or containing tobacco products that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing,

or by any other means. "Alternative nicotine product" excludes cigarettes, smokeless tobacco, or other tobacco products and any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Amendment 2:

Section 133.096 of the Village Code is hereby amended and shall read as follows:

It shall be unlawful for any person under the age of 18 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 3:

Section 133.097 of the Village Code is hereby amended and shall read as follows:

(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 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 years, they shall require photographic identification from the individual prior to making the sale.

Amendment 4:

Section 133.098 of the Village Code is hereby amended and shall read as follows:

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

Amendment 5:

Section 37.01(X) of the Village Code is hereby amended and shall read as follows:

(X) *Offenses against public morality (Chapter 133). No less than:*

- (1) Disorderly conduct: \$100
- (2) Urinating/defecating in public: \$100
- (3) Unlawful possession of cannabis 10 grams and under: \$150
- (4) Possession of tobacco or alternative nicotine products by a minor: \$50
- (5) Unlawful possession of drug paraphernalia: \$150
- (6) Curfew violation: \$60

(a) Prepayment reduction of fine. Full fine amount is due and may be payable by mail within 30 days of issue. 50% of fine amount may be paid by mail if done so within 15 days of issue date.

Amendment 6:

The "Fine Schedule" in Section 37.01 of the Village Code is hereby amended by the addition of the following:

FINE SCHEDULE

Fines shall be no less than the following, and administrative fines shall be determined by the hearing officer:

- 133.096 Misrepresentation of age by a person under 18 – tobacco products or alternative nicotine products Admin
- 133.097 Unlawful sale of tobacco or alternative nicotine products to person under 18 Admin
- 133.098 Possession of tobacco or alternative nicotine products by persons under 18 \$50.00

* * *

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 herewith shall be and the same are hereby repealed.

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

PASSED this 18th day of June, 2018 pursuant to a roll call vote as follows:

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

NAYES: Ø

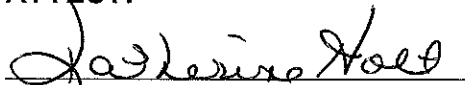
ABSENT: Ø

APPROVED by me this 18th day of June, 2018



Lael Miller, Village President

ATTEST:



Katherine Holt, Village Clerk

Published in pamphlet form this 19 day of June, 2018, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on June 19, 2018.