

VILLAGE OF CARPENTERSVILLE

ORDINANCE 19- 16

AN ORDINANCE AMENDING TITLE 5, SECTION 5.48.070 (TOBACCO DEALERS) and TITLE 9, SECTIONS 9.20.040, 9.20.050, 9.20.060, and 9.20.070 OF THE CARPENTERSVILLE MUNICIPAL CODE

WHEREAS, the Village of Carpentersville, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, on April 8, 2019, the General Assembly of the State of Illinois enacted Public Act 101-0002 (the "Act") which will increase the minimum age for the sale and purchase of tobacco products, electronic cigarettes and alternative nicotine products within the State of Illinois from eighteen (18) to twenty-one (21) years of age; and

WHEREAS, to comply with the Act, the President and Board of Trustees of the Village of Carpentersville desire to amend the Carpentersville Municipal Code to increase the minimum age for the sale and purchase of tobacco products, including electronic cigarettes and alternative nicotine products within the Village limits from eighteen (18) to twenty-one (21), effective as of July 1, 2019.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Illinois as follows:

SECTION 1: TITLE 5, SECTION 5.48.070 of the Carpentersville Municipal Code shall be amended to read as follows, with underlined text being added and deleted text being struck through:

5.48.070 – Tobacco Dealers

A. License Required. It is unlawful to sell or give away tobacco or smoking products (as defined in this Code) either over the counter or through vending machines in the village without first being licensed so to do by the village, provided that no license shall be required for sales at wholesale.

B. Application. Application for such license shall be made in writing to the village clerk. Such application shall contain the name of the applicant; the address at which

such sales are to be made, and shall be filed by the village clerk, together with the license fee hereinafter required.

C. Fee. The fee for a license as herein required shall be as provided in Chapter 20.02, "Fees," Section 20.02.010, "License and permit fees" of this Code. All licenses shall expire on December 31st of the year issued, and such fee shall not be prorated as to any part of such term.

D. ~~Minors.~~ Sale to Persons Under Twenty-One.—It is unlawful to sell tobacco, nicotine or any smoking product to any person under ~~eighteen (18)~~ twenty-one (21) years of age.

E. Drugs. It is unlawful to sell tobacco or any smoking product in any form containing dangerous habit-forming drugs, or other substances such as may be injurious to health. It is unlawful to sell or give away or to use any cigarettes or smoking products containing any substance deleterious to health.

SECTION 2: TITLE 9, SECTION 9.20.040 of the Carpentersville Municipal Code shall be amended to read as follows, with underlined text being added and deleted text being struck through:

9.20.040 - Possession and/or purchase of tobacco by ~~minors~~ certain persons prohibited.

No ~~minor~~ person under eighteen (18) shall purchase or possess any cigar, cigarette, ~~or tobacco,~~ electronic cigarettes, or alternative nicotine products in any of its forms. No person under the age of twenty-one (21) shall purchase any cigar, cigarette, tobacco, electronic cigarettes, or alternative nicotine products in any of its forms.

SECTION 3: TITLE 9, SECTION 9.20.050 of the Carpentersville Municipal Code shall be amended to read as follows, with underlined text being added and deleted text being struck through:

9.20.050 - Sale of tobacco to ~~minor~~ persons under twenty-one (21) prohibited.

No person shall sell, purchase for or furnish any cigar, cigarette, tobacco, electronic cigarette or alternative nicotine product, or other smoking product in any of its forms, to any ~~minor~~ person under the age of twenty-one (21).

SECTION 4: TITLE 9, SECTION 9.20.060 of the Carpentersville Municipal Code shall be amended to read as follows, with underlined text being added and deleted text being struck through:

9.20.060 - Sale of tobacco accessories, ~~or smoking herbs,~~ or alternative nicotine products to persons under twenty-one (21).

A. No person shall sell, purchase for or furnish to any ~~minor~~ person under the age of twenty-one (21) any tobacco accessories, ~~or smoking herbs,~~ or alternative nicotine products.

B. No person shall sell, purchase for or furnish to any ~~minor~~ person under the age of twenty-one (21) a bidi cigarette.

C. No person shall sell, purchase for or furnish to any ~~minor~~ person under the age of twenty-one (21) any ~~smokeable alternative nicotine or tobacco product~~ or any component part thereof, which contains a constituent (including a smoking constituent) or additive or artificial or natural flavoring that produces a characterizing flavor. A public statement by any person offering such product for sale that a smokeable tobacco product has or produces a characterizing flavor, taste or aroma (other than tobacco or menthol for all smokeable tobacco products or cigars) shall constitute proof that the smokeable tobacco product has a characterizing flavor.

SECTION 5: That TITLE 9, SECTION 9.20.070 of the Carpentersville Municipal Code shall be amended to read as follows, with underlined text being added and deleted text being struck through:

9.20.070 - Purchase ~~or possession~~ of tobacco accessories or smoking herbs by ~~minors~~ persons under the age of twenty-one prohibited.

A. No ~~minor~~ person under the age of twenty-one (21) shall ~~possess or purchase~~ smoking products, any tobacco accessories, smoking herbs, bidi cigarettes, ~~or~~ smokeable tobacco products, electronic cigarettes, or alternative nicotine products, that produce a characterizing flavor.

B. No person in the furtherance or facilitation of obtaining smoking products, tobacco accessories, smoking herbs, bidi cigarettes, ~~or~~ smokeable tobacco products, electronic cigarettes, or alternative nicotine products, that produce a characterizing flavor, shall misrepresent their age or display or use a false or forged identification card or transfer, alter or deface an identification card.

C. The provisions set forth herein shall not apply to any ~~minor~~ person under the age of twenty-one (21) acting at the direction of a police officer.

SECTION 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.


SECTION 8: This Ordinance shall be in full force and effect upon its approval and publication (which publication is hereby authorized) as provided by law.

Passed this 18th day of June, 2019, by roll call vote as follows:


	Ayes	Nays	Absent	Abstain
Trustee Jeff Frost (Motion)	<u>X</u> _____	_____	_____	_____
Trustee John O’Sullivan	<u>X</u> _____	_____	_____	_____
Trustee Maria Vela (Second)	<u>X</u> _____	_____	_____	_____
Trustee Jim Malone	<u>X</u> _____	_____	_____	_____
Trustee Humberto Garcia	<u>X</u> _____	_____	_____	_____
Trustee Andresen	<u>X</u> _____	_____	_____	_____
President John Skillman	<u>X</u> _____	_____	_____	_____



APPROVED THIS 18TH DAY OF JUNE, 2019.



 Village President, John Skillman

ATTEST: 

 Village Clerk, Kelly Mastera

Published: June 21, 2019



CERTIFICATION

I, Kelly Mastera, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 18th day of June, 2019, the foregoing Ordinance entitled, ***An Ordinance Amending Title 5, Section 5.48.070 (Tobacco Dealers) and Title 9, Sections 9.20.040, 9.20.050, 9.20.060 and 9.20.070 of the Carpentersville Municipal Code***, as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. ~~2019-~~ 16, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 21st day of June, 2019, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 21st day of June, 2019.



Kelly Mastera, Village Clerk
Village of Carpentersville,
Kane County, Illinois



