

ORDINANCE NO. 5757

AN ORDINANCE AMENDING DIVISION 3 OF CHAPTER 17 OF THE MUNICIPAL CODE OF THE TOWN OF NORMAL CONCERNING THE REGULATION OF SALES OF TOBACCO AND OTHER NICOTINE PRODUCTS TO MINORS AND OF THE USE OF ELECTRONIC SMOKING DEVICES IN TOWN FACILITIES

WHEREAS, the Town of Normal is a home rule unit of local government with power to enact legislation for the benefit and safety of its residents; and

WHEREAS, the Illinois General Assembly recently amended the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act (720 ILCS 675/) to prohibit the distribution of alternate nicotine devices to minors and to prohibit the possession of those devices by minors, and the Town of Normal desires to amend its ordinance to conform to the State statute; and

WHEREAS, the Town of Normal, under its home-rule authority, desires to prohibit the sale or delivery of tobacco or alternative nicotine products to any person under the age of 21; and

WHEREAS, the Town of Normal desires to prevent the use of any electronic smoking device (regardless of whether that device uses nicotine) in Town buildings and vehicles; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the citizens of the Town of Normal to prohibit the sale to or possession of alternate nicotine devices to any person under the age of 21 and to prohibit the use of electronic smoking devices in Town buildings and vehicles.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES FOR THE TOWN OF NORMAL, ILLINOIS:

SECTION ONE: That the Municipal Code Town of Normal, Illinois 1969 is amended by changing Section 17.3-3 as follows, with strikeouts indicating deletion in text and bold italics indicating addition to text:

SEC. 17.3-3 SALE TO AND POSSESSION OF TOBACCO BY MINORS; ***SMOKING IN TOWN BUILDINGS.***

- A. Sale of Tobacco ***or Alternative Nicotine Products*** to Minors. It shall be unlawful for any person, firm, or corporation to sell, buy for, furnish, exchange, or give away any ***tobacco product or alternative nicotine product*** ~~cigarettes, cigars, or tobacco in any form~~ to ***any person under the age of 21 years*** ~~children under the age of 18 years.~~
- B. Possession of Tobacco by Minors. No minor under 18 years of age shall have in his or her possession any ***tobacco product or alternative nicotine product*** ~~cigar or cigarette or tobacco in any of its forms.~~ It shall not be a violation of this section for any person under ~~18~~ ***eighteen (18)*** years of age to possess ***any tobacco product or alternative nicotine product*** ~~tobacco~~ while in the presence of his or her parents or guardian, or in the performance of a religious ceremony, or while participating in a theatrical performance, or, the incidental and temporary possession of tobacco ***products or alternative nicotine products*** in the performance of retail

clerk duties for businesses registered with the Town of Normal.

- C. Regulation of Smoking and Tobacco Chewing in Town Buildings. No person shall smoke, *use an electronic smoking device*, or chew tobacco in Town buildings.
- D. Definitions. As used in this Section, the following words have the following meanings:
1. Smoke: To light, emit, or exhale, the smoke of, a pipe, cigar, cigarette or any other tobacco product.
  2. Town Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind and which is permanently affixed to the ground and which is owned by the Town of Normal.
  3. Alternate Nicotine Product: *Any product or device defined as an "alternate nicotine product" under Section 1.5 of the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act (720 ILCS 675/1.5).*
  4. Electronic Smoking Device: *Any electronically operated device that causes the user to inhale or exhale any smoke, nicotine, vapor, or other substance other than those produced by unenhanced human expiration of air from the lungs. "Electronic smoking device" includes any such device, whether manufactured, distributed, marked, or sold as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, or any other similar device.*
- E. Penalty. Any person who violates this Section is guilty of a petty offense and for the first offense shall be fined not to exceed \$50.00, and for a second or any subsequent offense shall be guilty of a petty offense and fined not to exceed \$500.00.

SECTION TWO: That the Municipal Code Town of Normal, Illinois 1969 is amended by changing Subsection D of Section 17.3-4 as follows, with strikeouts indicating deletion in text and bold italics indicating addition to text:

- D. TOWN OWNED FACILITIES: Smoking *or the use of electronic smoking devices, as defined in Section 17.3-3*, shall be prohibited in any Town facility and any Town vehicle, including without limitation facilities and vehicles owned, leased, or operated by the Town of Normal.

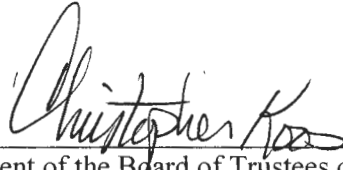
SECTION THREE: That the Town Clerk is directed and authorized to publish this ordinance in pamphlet form as provided by law.

SECTION FOUR: This ordinance takes effect 10 days after its publication.

SECTION FIVE: That the Municipal Code, Town of Normal, Illinois, 1969, as previously amended and as amended herein, remains in full force and effect.

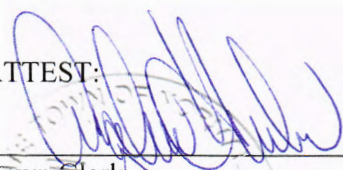
SECTION SIX: That this ordinance is adopted under the Town of Normal's home-rule authority.

APPROVED:



\_\_\_\_\_  
 President of the Board of Trustees of  
 The Town of Normal, Illinois

ATTEST:

  
 \_\_\_\_\_  
 Town Clerk  
 (seal)

The foregoing ordinance was voted upon and passed by the President and Board of Trustees of the Town of Normal on the 19th day of November, 2018, with 7 voting aye; 0 abstaining; 0 voting nay; and 0 absent.

|                       | AYE | NAY | OTHER |                     | AYE | NAY | OTHER |
|-----------------------|-----|-----|-------|---------------------|-----|-----|-------|
| Councilman Fritzen    | ✓   |     |       | Councilman Preston  | ✓   |     |       |
| Councilman McBride    | ✓   |     |       | Councilman McCarthy | ✓   |     |       |
| Councilwoman Cummings | ✓   |     |       | Mayor Koos          | ✓   |     |       |
| Councilwoman Lorenz   | ✓   |     |       |                     |     |     |       |

The foregoing ordinance was approved by the President and Board of Trustees of the Town of Normal on the 19th day of November, 2018.

The foregoing ordinance was published in pamphlet form on the 21st day of December, 2018.