

COUNTY OF Mc LEAN, STATE OF ILLINOIS

ORDINANCE NO. 18-11-03-70

AN ORDINANCE AMENDING
SECTION 3-4-1 OF THE CITY OF LE ROY, ILLINOIS – E-CIGARETTES AND
ALTERNATIVE NICOTENE PRODUCTS

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS
5th Day of November 2018

PRESENTED: November 5, 2018

PASSED: November 5, 2018

APPROVED: November 5, 2018

RECORDED: November 5, 2018

PUBLISHED: November 5, 2018

In Pamphlet Form

Voting "Aye" 7

Voting "Nay" 0

The undersigned being the duly qualified and Acting City Clerk of the City of LeRoy does hereby certify that this document constitutes the publication in pamphlet form, in connection with and pursuant to Section 1-2-4 of the Illinois Municipal Code, of the above-captioned **ordinance** and that such **ordinance** was presented, passed, approved, recorded and published as above stated.

(SEAL)



Vicki Moreland

Vicki Moreland, City Clerk of the
City of Le Roy, McLean County, Illinois

Dated: November 5, 2018

**CITY OF LEROY
McLEAN COUNTY, ILLINOIS**

ORDINANCE NO. 18-11-03-70

**AN ORDINANCE AMENDING SECTION 3-4-1
OF THE CITY CODE FOR THE
CITY OF LEROY, ILLINOIS –
E-CIGARETTES AND ALTERNATIVE
NICOTINE PRODUCTS**

WHEREAS, the City of Le Roy has authority, pursuant to the Illinois Municipal Code, to license businesses and enact regulations promoting public health; and

WHEREAS, the City has previously prohibited the possession, sale and use of tobacco products by persons under eighteen (18) years of age; and

WHEREAS, alternative nicotine products and E-cigarettes are gaining popularity and being used by persons under eighteen (18) years of age; and

WHEREAS, studies show that the use of these products are harmful to the human body; and

WHEREAS, it is in the best interests of the health, safety and welfare of the citizens of Le Roy to prohibit the sale, use or possession of alternative nicotine products and E-cigarettes within the City of Le Roy, to or by persons under the age of eighteen (18).

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Le Roy, McLean County, Illinois, as follows:

SECTION I: That Section 3-4-1 of the City Code for the City of Le Roy be and the same is hereby amended by adding the following definitions:

Alternative Nicotine Product: A product or device, such as an e-cigarette, not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by other means. This does not include tobacco products as that term is defined in this section or any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco cessation product, a tobacco dependence product, or for other medicinal purposes.

E-Cigarette: An Electronic device that typically includes a mouthpiece, a heating element or atomizer, a battery, and electronic circuits; provides a gas derived from a liquid that includes nicotine, propylene glycol, or similar substance and perhaps other substances; and is inhaled by a user in a manner that simulates or resembles smoking. The term “e-cigarette” includes all manner of these devices, regardless of the details of a device’s appearance or marketed name, that are manufactured to resemble a cigarette, cigar, pipe, or other smoking or vaping device. The term “e-cigarette” includes the cartridges and components of an e-cigarette, individually or in any combination.

SECTION II: That Section 3-4-1 of the City Code of the City of LeRoy be and the same is hereby amended by changing the definition of tobacco products to read as follows:

Tobacco Products. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco or any alternative nicotine product or any E-cigarette.

SECTION III: In Section 3-4-6(a)(1) and (2) be amended to read as follows:

(a)(1). No minor under eighteen (18) years of age shall buy or possess any tobacco products in any form, unless upon the written order of the minor’s parent or guardian.

(a)(2). No person, including any licensee, shall sell, buy for, distribute samples of or furnish any tobacco products in any of its forms, to any minor under eighteen (18) years of age, unless upon the written order of the minor’s parent or guardian, or unless sold in the presence of such parent or guardian.

SECTION IV: Any person convicted of violating any provision of this Ordinance shall be fined a minimum amount of Two Hundred (\$200.00) Dollars and not more than Seven Hundred Fifty (\$750.00) Dollars for such offense.

SECTION V: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent and only to the extent they are in conflict herewith.

SECTION VI: This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

SECTION VII: **Severability.** In the event that any section, clause, provision, or part of this Ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable from the invalid parts shall remain in full force and effect. If any part of this Ordinance is found to be invalid in any one or more of its several applications, all valid applications shall remain in effect.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion
Made by Hilary Neal, and seconded by Kyle Merkle by roll call vote on the 5th Day
of November 2018, as follows

Aldermen elected 8

Aldermen Present 7

Voting Aye: Dawn Hanafin, Rick Kline, Kyle Merkle, Glenn Reinhart, Ron Legner,
Hilary Neal, Greg Steffen.


Voting Nay: None

Absent: Brad Poindexter

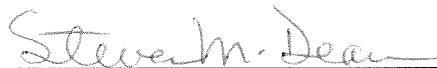
Abstain: None

Other: None


and deposited and filed in the office of the City Clerk in said municipality on the 5th
Day of November 2018.


Vicki Moreland, City Clerk of the
City of Le Roy, McLean County, Illinois

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 5th Day of November 2018


Steven M. Dean, Mayor of the City of Le Roy,
Mc Lean County, Illinois

ATTEST: (SEAL)


Vicki Moreland, City Clerk of the City of
Le Roy, Mc Lean County, Illinois

CERTIFICATE

I, Vicki Moreland, certify that I am the duly appointed and acting municipal clerk of the City of Le Roy, of McLean County, Illinois.

I further certify that on **November 5, 2018** the Corporate Authorities of such municipality passed and approved **Ordinance No. 18-11-03-70, entitled:**

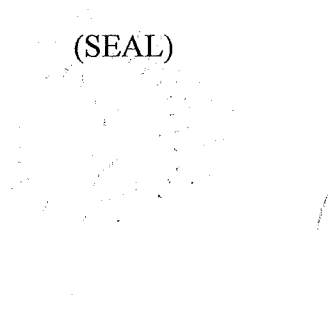
AN ORDINANCE AMENDING SECTION 3-4-1 OF THE CITY CODE FOR THE CITY OF LE ROY, ILLINOIS – E-CIGARETTES AND ALTERNATIVE NICOTENE PRODUCTS

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

The pamphlet form of Ordinance No. **18-11-03-70**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **November 5, 2018** and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Le Roy, Illinois this 5th Day of November 2018.

(SEAL)


Vicki Moreland
Vicki Moreland, City Clerk of the City of
Le Roy, McLean County, Illinois

STATE OF ILLINOIS)
) SS:
COUNTY OF MCLEAN)

I, Vicki Moreland, do hereby certify that I am the duly qualified and acting City Clerk of the City of Le Roy, McLean County, Illinois, and as such City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

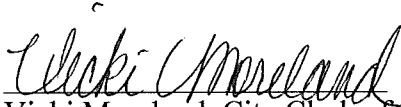
I do further certify that the foregoing is a true, correct and complete copy of an ordinance entitled:

**AN ORDINANCE AMENDING
SECTION 3-4-1 OF THE CITY CODE FOR THE CITY OF LE ROY, ILLINOIS –
E-CIGARETTES AND ALTERNATIVE NICOTENE PRODUCTS**

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 5th Day of November 2018, and prior to the making of this certificate the said ordinance was on file with the permanent records of said City where it now appears and remains as a permanent record of said ordinance in the record books.

Dated this 5th Day of November 2018

(SEAL)


Vicki Moreland, City Clerk of the
City of Le Roy, McLean County, Illinois