

ORDINANCE NO. 2019-03

AN ORDINANCE AMENDING  
CHAPTER 27  
OF THE REVISED CODE OF ORDINANCES  
OF THE VILLAGE OF BETHALTO,  
MADISON COUNTY, ILLINOIS

WHEREAS, the Village of Bethalto, Madison County, Illinois ("Village"), is a non-home rule municipality duly established and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes, the "**Illinois Municipal Code**"); and

WHEREAS, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs, and that protect the public health, safety, and welfare of its citizens.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF BETHALTO, MADISON COUNTY, ILLINOIS:

**Section 1: Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2: Amendment.** The following code section of Chapter 27 shall be deleted in its entirety: Section 27-2-7, and inserted in lieu thereof shall be the following:

**27-2-7 SALE OF AND POSSESSION OF TOBACCO PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS.**

(A) **Definitions.** For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them:

- (1) **Tobacco Products.** Any substance containing tobacco leaf; including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, nicotine gels and dissolvable nicotine products.
- (2) **Alternative Nicotine Products.** A product or device 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 any other means. Alternative nicotine product excludes cigarettes, smokeless tobacco or other tobacco products as these terms are defined and approved by the United States Food and Drug Administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco anti-dependence product, or for other medicinal purposes, and is being marketed and sold solely for that approved purpose.

(B) **Purchases by Minors Prohibited.** It shall be unlawful for any person under the age of **eighteen (18) years** to purchase any 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, electronic smoking devices or alternative nicotine products.

(C) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of **eighteen (18) years** to possess any tobacco products or alternative nicotine products, provided that the possession by a person under the age of **eighteen (18) years** under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

(D) **Penalty.** Any person violating any provision of this Section, shall upon conviction be subject to the following:

- (1) If a minor is in violation of this Section, he or she is guilty of a petty offense and shall be required to provide 24 hours of community service and pay a fine of \$50.00 for a first violation.
- (2) A second violation by a minor of this Section, that occurs within 12 months after the first violation, shall be punishable by a fine of \$75.00 and 50 hours of community service.
- (3) A third or subsequent violation by a minor of this Section, that occurs within 12 months after the first violation, shall be punishable by a \$200.00 fine and 50 hours of community service.
- (4) Any second or subsequent violation not within the 12 month time period after the first violation shall be punishable as provided for a first violation.

**Section 3: Severability of Provisions.** Each section, paragraph, sentence, clause and provision of this Ordinance is severable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of the Ordinance, nor any part thereof, other than that part affected by such decision.

**Section 4: Conflicting Ordinances.** Any conflicting ordinances, code provisions or pertinent portions thereof in effect at the time of this Ordinance takes effect are hereby repealed.

**Section 5: Effective.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

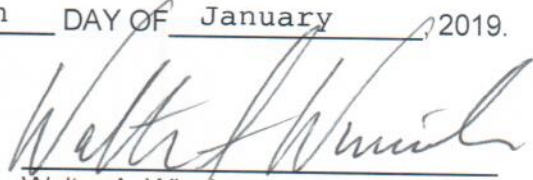
**Section 6:** Passed this 14th day of January, 2019 by the Village Board of Trustees of the Village of Bethalto, Madison County, Illinois, and deposited and filed in the office of the Village Clerk in said Village on that date.

On Motion of Trustee Mull, seconded by Trustee Bost.

Trustee Mull voted	<u>aye</u>	Trustee McRae voted	<u>absent</u>
Trustee Bost voted	<u>aye</u>	Trustee Gibbons voted	<u>aye</u>
Trustee Dugger voted	<u>absent</u>	Trustee Buhs voted	<u>aye</u>

for the adoption of said Ordinance.

PASSED AND APPROVED THIS 14th DAY OF January 2019.

  
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 Walter A. Winslow  
 President  
 Board of Trustees



ATTEST:

  
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 Sue Lowrance, Village Clerk