

CITY OF NEWTON, ILLINOIS

ORDINANCE NO. 19-04

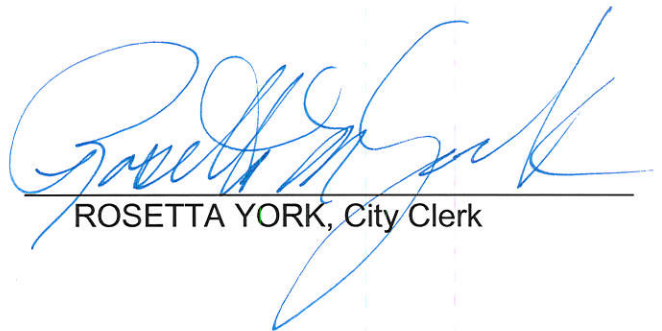
AN ORDINANCE TO AMEND CHAPTER 27,  
OFFENSES, SECTION 2-9 SMOKELESS TOBACCO,  
OF THE NEWTON CITY CODE, AS AMENDED

ADOPTED BY THE CITY COUNCIL  
OF THE CITY OF NEWTON, ILLINOIS  
THIS 16<sup>th</sup> DAY OF APRIL, 2019

PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF  
THE CITY COUNCIL OF THE CITY OF NEWTON,  
JASPER COUNTY, ILLINOIS  
THIS 16<sup>th</sup> DAY OF APRIL, 2019

**CERTIFICATE OF PUBLICATION**

I, ROSETTA YORK, the duly qualified City Clerk of the City of Newton, Illinois, and the official custodian of records of said City do hereby certify that this Ordinance was published in pamphlet form by authority of the City Council on the 16<sup>th</sup> day of April, 2019.



ROSETTA YORK, City Clerk

ORDINANCE NO. 19-04

AN ORDINANCE TO AMEND CHAPTER 27,  
OFFENSES, SECTION 2-9 SMOKELESS TOBACCO,  
OF THE NEWTON CITY CODE, AS AMENDED

BE IT ORDAINED by the City Council of the City of Newton, Jasper County, Illinois,  
that CHAPTER 27, OFFENSES, SECTION 2-9 SMOKELESS TOBACCO, of the Newton City  
Code, be, and the same is hereby amended in its entirety to provide as follows:

**27-2-9        SMOKELESS TOBACCO.**

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

**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 or any electronic smoking  
device.

**Electronic smoking device:** An electronic and/or battery-operated  
device, the use of which may resemble smoking, which can be used to deliver an  
inhaled dose of nicotine or other regulated substances. "Electronic smoking device"  
includes any such device, whether manufactured, distributed, marketed, or sold as an  
electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an  
electronic hookah, hookah pen, vape pens or any other product name or descriptor.  
An electronic smoking device excludes any product approved by the United States  
Food and Drug Administration as a nontobacco product used for medicinal purposes  
and is being marketed and sold solely for that approved purpose.

**(B)    Sales to person under 21 prohibited.** It shall be unlawful for any  
person or entity to sell tobacco products or electronic smoking devices to any person  
under the age of 21 years.

**(C)    Purchases by person under 21 prohibited.** It shall be unlawful for any  
person under the age of twenty-one (21) years to purchase tobacco products or  
electronic smoking devices, or to misrepresent their identity or age, or to use any false  
or altered identification for the purpose of purchasing tobacco products or electronic  
smoking devices.

**(D)    Possession by person under 21 prohibited.** It shall be unlawful for  
any person under the age of 21 years to possess any tobacco products or electronic  
smoking devices, provided that the possession by a person under the age of 21 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.

**(E)    Use in City Park.** It shall be unlawful for any person to smoke tobacco  
products or use electronic smoking devices in the following areas of PETERSON  
and/or DuFRAIN Parks, in Newton, Illinois;

1. Within fifteen (15) feet of the Newton Aquatic Center, Putt Putt  
Course, Batting Cages and/or any public building or shelter, when those facilities are  
open for use by the public.

2. Within fifteen (15) feet of the skate park and any buildings and/or  
shelters at DuFRAIN Park.

BE IT FURTHER ORDAINED that any person violating any provision of this  
Ordinance, or any rule or regulation adopted or used pursuant thereto, or any provision of this  
Ordinance adopted herein by reference, shall upon conviction be subject to a fine of not less  
than \$100.00 nor more than \$750.00, and the costs of prosecution and the attorney's fees of

the City in a minimum amount of \$175.00 per hour.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Upon roll call vote the following Alderpersons voted yea: **David Brown, Larry Brooks, Robert Reisner and Marlene Harris**

Upon roll call vote the following Alderpersons voted nay: **None**

Absent: **Gayle Glumac and Eric Blake**

Passed, approved and published in pamphlet form this 16<sup>th</sup> day of April, 2019.



  
MARK BOLANDER, Mayor

ATTEST:

  
ROSETTA YORK, City Clerk