CITY OF NEWTON, ILLINOIS

ORDINANCE NO. 2019-02

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 \_\_\_\_\_\_\_ DAY OF FEBRUARY, 2019

 PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF

THE CITY COUNCIL OF THE CITY OF NEWTON,

JASPER COUNTY, ILLINOIS

THIS \_\_\_\_\_\_\_\_\_ DAY OF FEBRUARY, 2019

**CERTIFICATE OF PUBLICATION**

I, ROSETTA YORK, the duty 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 \_\_\_\_\_ day of February, 2019.

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 ROSETTA YORK, City Clerk

ORDINANCE NO. 2019-O-

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) Purchases by minors prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products or electronic smoking devises, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products orelectronic smoking devices.

 **(C) Possession by minors prohibited.** It shall be unlawful for any person under the age of 18 years to possess any tobacco products or electronic smoking devices, provided that the possession by a person under the age of 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) Use in City Park.** It shall be unlawful for any person to smoke tobacco products or electronic smoking devices in the following areas of PETERSON and/or DuFRAIN Parks, in Newton, Illinois;

 1. Within fifty (50) feet of the Newton Aquatic Center, Putt Putt Course and Batting Cages, when those facilities are open for use by the public.

 2. Within fifty (50) feet of the skate park 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:

 Upon roll call vote the following Alderpersons voted nay:

 Passed, approved and published in pamphlet form this \_\_\_\_\_\_\_\_\_\_\_ day of February, 2018.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 MARK BOLANDER, Mayor

ATTEST:

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ROSETTA YORK, City Clerk