

CITY OF LE ROY
COUNTY OF McLEAN, STATE OF ILLINOIS

Ordinance No. 20-03-02-50

**AN ORDINANCE AMENDING TITLE 3; CHAPTER 4 OF THE MUNICIPAL
CODE OF LE ROY, ILLINOIS, 2006**

ADOPTED BY THE CITY COUNCIL OF THE CITY OF LE ROY THIS

2nd Day of March, 2020

PRESENTED: **March 2, 2020**

PASSED: **March 2, 2020**

APPROVED: **March 2, 2020**

RECORDED: **March 2, 2020**

PUBLISHED: **March 2, 2020**
In Pamphlet Form

Voting "Aye" 8

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

Dated: **March 2, 2020**

ORDINANCE NO. 20-03-02-50

AN ORDINANCE AMENDING TITLE 3; CHAPTER 4 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006

WHEREAS, the Mayor and City Council of the City of Le Roy, McLean County, Illinois, an Illinois municipal corporation, have instituted rules and regulations for businesses operating within the City; and

WHEREAS, the Mayor and City Council of the City of Le Roy acknowledge that the Illinois Legislature has enacted the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act (720 ILCS 675/0.01 *et seq.*) which modified the sale, purchase, and use of tobacco; and

WHEREAS, the Mayor and the City Council wish to bring Title 3, Chapter 4 into conformity with the Illinois Compiled Statutes;

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Le Roy, Illinois in lawful meeting assembled on Monday, March 2, 2020, as follows:

SECTION 1. Title 3 Business and License Regulations, Chapter 4 Tobacco Products Sales, of the Municipal Code of Le Roy, is hereby amended as follows:

§3-4-6: Underage Persons.

A. Tobacco Products:

1. No ~~minor person~~ under ~~twenty-one (21)~~ **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.~~
2. No person, including any licensee, shall sell, ~~buy for~~ **purchase on behalf of**, distribute samples of, or furnish any tobacco products in any of its forms, to any ~~minor person~~ under ~~twenty-one (21)~~ **18** years of age. ~~unless upon the written order of the minor's parents or guardian, or unless sold in the presence of such parent or guardian.~~
3. It shall be unlawful for any licensee or any officer, associate, member, representative, agent, or employee of such licensee to engage, employ or permit any person under ~~sixteen (16)~~ **18** years of age to sell tobacco products in any licensed premises.

- B. Tobacco Accessories; Smoking Herbs. No person shall knowingly sell, barter, exchange, deliver, or give away or cause, ~~or~~ permit, or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under ~~twenty-one (21)~~ **18** years of age.

C. False Identification Cards: No person in the furtherance or facilitation of obtaining a cigar, cigarette, smokeless tobacco, tobacco accessories or tobacco in any of its forms shall display or use a false or forged identification card or transfer, alter or deface an identification card.

D. Warning To Underage Persons:

1. Any person, firm, partnership, company or corporation operating a place of business wherein tobacco products, tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises near every display of tobacco products, accessories, or smoking herbs a sign upon which there shall be imprinted the following statement:

SALE OF TOBACCO PRODUCTS, TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER **TWENTY-ONE (21)** ~~18~~ YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH SALE IS PROHIBITED BY LAW. POSSESSION OF TOBACCO PRODUCTS BY SUCH PERSON IS ALSO PROHIBITED BY LAW.

2. Such a sign shall be printed on white card in red letters at least ½ inch in height.

§3-4-7: Distribution Locations.

- A. Sales in Proximity to Certain Institutions: It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within 100 feet of any school, childcare facility or other building used for education or recreational programs for persons under the age of 18 years.
- B. Free Distributions Prohibited in Certain Places: It shall be unlawful for any licensee or any person in the business of selling or otherwise distributing, promoting or advertising tobacco products of any employee or agent of any such licensee or person in the course of such licensee's or person's business to distribute, give away or deliver tobacco products free of charge to any person, **regardless of age, unless in an adult-only facility, as defined by the Prevention of Tobacco Use by Persons under 21 Years of Age and Sale and Distribution of Tobacco Products Act (720 ILCS 675/0.0.1 et seq.)**, ~~on any right-of-way, park, playground or other property owned by the City, any school district, any park district or any public library.~~

§3-4-8: Vending Machines; Locking Devices.

It shall be unlawful for any licensee to sell or offer for sale, give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products, **electronic cigarettes, or alternative nicotine products** by use of a vending machine unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the licensee so as to prevent its operation by persons under the age of ~~twenty-one (21)~~ 18 years. ~~Any premises where access by persons under the age of 18 years is prohibited by law or premises where the public is generally not permitted and where vending machines are strictly for the use of employees of a business located at such premises shall be exempt from the requirements of this section.~~ **Such products cannot be placed together with any non-tobacco product other than matches, and must be in one of the following locations: 1) places where persons under twenty-one (21) years of age are not permitted access at any time; or 2) places where alcoholic beverages are sold and consumed on the premises and vending machine operation is under the direct supervision of the owner or manager.**

SECTION 2. This ordinance shall be in full force and effect following its passage and approval as required by law.

PASSED by the City Council of the City of Le Roy, Illinois, upon the motion made by Kyle Merkle and seconded by Brad Poindexter by roll call vote on the 2nd day of March, 2020 as follows

Aldermen elected 8

Aldermen Present 8

Voting Aye:

Dawn Hanafin, Rick Kline, Kyle Merkle, Brad Poindexter, Kelly Lay, Ron Legner, Matt Steffen, Greg Steffen.

Voting Nay:

None

Absent:

None

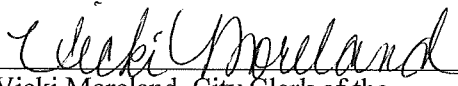
Abstain:

None

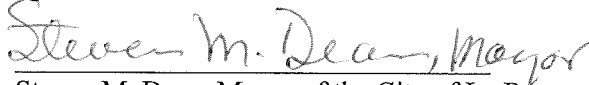
Other:

None


And deposited and filed in the office of the City Clerk in said municipality on the 2nd day of March, 2020.


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

APPROVED BY the Mayor of the City of Le Roy, Illinois, this 2nd day of March, 2020


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 **March 2, 2020** the Corporate Authorities of such municipality passed and approved **Ordinance No. 20-03-02-50**

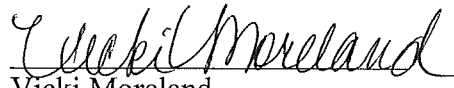
**AN ORDINANCE AMENDING TITLE 3; CHAPTER 4 OF THE MUNICIPAL
CODE OF LE ROY, ILLINOIS, 2006**

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

The pamphlet form of **Ordinance No. 20-03-02-50**, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted at the municipal building, commencing on **March 2, 2020** 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 2nd day of March, 2020.

(SEAL)


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 TITLE 3; CHAPTER 4 OF THE MUNICIPAL CODE OF LE ROY, ILLINOIS, 2006

I do further certify said *ordinance* was adopted by the City Council of the City of Le Roy at a regular meeting on the 2nd day of March, 2020 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 2nd day of March, 2020

(SEAL)


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