

VILLAGE OF BRADLEY

ORDINANCE NO. O-4-19-4

AN ORDINANCE AMENDING SECTION 30-347, "MINORS IN POSSESSION OF TOBACCO," OF THE VILLAGE CODE IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, STATE OF ILLINOIS

ADOPTED BY THE
BOARD OF TRUSTEES OF THE
VILLAGE OF BRADLEY

THIS 13th DAY OF May, 2019

Published in pamphlet form by authority of the Board of Trustees of the Village of Bradley,
Kankakee County, Illinois, this 13th day of May, 2019

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AN ORDINANCE AMENDING SECTION 30-347, "MINORS IN POSSESSION OF TOBACCO," OF THE VILLAGE CODE IN THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, STATE OF ILLINOIS

WHEREAS, the Village President and Board of Trustees of the Village of Bradley, Kankakee County, Illinois have the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs and protect the public health, safety, and welfare of its citizens; and

WHEREAS, pursuant to 65 ILCS 5/1-2-1 of the Illinois Municipal Code, the Village may pass all ordinances and make all rules and regulations proper or necessary to carry into effect the powers granted to municipalities; and

WHEREAS, pursuant to 65 ILCS 5/11-20-5 of the Illinois Municipal Code, the Village may do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of diseases; and

WHEREAS, the Village has previously adopted regulations making it unlawful for minors to possess tobacco; and

WHEREAS, while the public health risks of tobacco use are well-known and long-standing, emerging technologies for ingesting addictive nicotine into the user's body, through inhalation, is a relatively new phenomenon; and

WHEREAS, the U.S. Food and Drug Administration has stated that among middle and high school students, 3.62 million were users of e-cigarettes in 2018, with increases of 78 percent among high school students from 2017 to 2018 and 48 percent among middle school students during the same period; and

WHEREAS, the Centers for Disease Control states that adolescent use of nicotine can

- Harm the developing adolescent brain, which continues to develop until age 25;
- Harm the parts of the brain that control attention, learning, mood, and impulse control;
- Change the way synapses are formed;
- Increase risk for future addiction to other drugs

WHEREAS, in light of the potential health risks and exposure to adolescents to "vaping" products and devices, the Board of Trustees finds that regulation of these "vaping" technologies will help curb the growing epidemic of nicotine use among adolescents and reduce an emerging health risk.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BRADLEY, KANKAKEE COUNTY, ILLINOIS PURSUANT TO ITS STATUTORY AUTHORITY, AS FOLLOWS:

SECTION 1. INCORPORATION OF PREAMBLE: The preamble to this Ordinance is incorporated herein as if fully set forth in this Section 1.

SECTION 2. AMENDMENT: That section 30-347 of the Code of Ordinances, Village of Bradley, Illinois, is hereby amended to read as follows:

Sec. 30-347. – Minor in possession of tobacco and electronic smoking devices.

(a) Definitions.

For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them:

(1) Tobacco Products means 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.

(2) Electronic Smoking Device means 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.

(b) It shall be unlawful for any person under the age of 18 years to be in the possession of any tobacco product on any street or highway, in any public place, in any place open to the public, or upon any school grounds.

(c) It shall be unlawful for any person under the age of 18 years to be in the possession of any electronic smoking device on any street or highway, in any public place, in any place open to the public, or upon any school grounds.

(d) Penalty for any person in violation of this section is guilty of a petty offense and for the first offense shall be fined an amount as provided in the village fine schedule in section 18-2, for the second offense an amount in the village fine schedule and for the third or any subsequent offense a fine as provided in the village fine schedule. In lieu of a monetary fine, the offender may perform community services as outlined in the youthful offender program of the village police department.

SECTION 3. SEVERABILITY: Each Section and part thereof of this Ordinance is deemed to be severable and should any section or part thereof be held invalid or unconstitutional

by any court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of the remaining portions of this Ordinance.

SECTION 4. REPEAL OF INCONSISTENT ORDINANCES: All ordinances or parts thereof in conflict with the terms of this Ordinance are hereby repealed and of no further force and effect to the extent of such conflict.

SECTION 5. EFFECTIVE DATE: That this Ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

PASSED by the Board of Trustees on a roll call vote on the 13th day of May, 2019.

TRUSTEES:

| | | | |
|-------------------|---|--------------------------------|-----------------------------------|
| ROBERT REDMOND | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| MICHAEL WATSON | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| DONALD BARBER | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| RYAN LEBRAN | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| DARREN WESTPHAL | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |
| BRIAN BILLINGSLEY | Aye - <input checked="" type="checkbox"/> | Nay - <input type="checkbox"/> | Absent - <input type="checkbox"/> |

Aye - Nay - Absent -

TOTALS: Aye - 6 Nay - 0 Absent -

Yeresa M. Dickert
VILLAGE CLERK

APPROVED this 13th day of May, 2019.

Michael Watson
VILLAGE PRESIDENT

ATTEST:

Yeresa M. Dickert
VILLAGE CLERK