



ORDINANCE NO. 978

**AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW
MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE
NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE
AMENDMENTS TO CHAPTER 96: POSSESSION OF TOBACCO
PRODUCTS BY MINORS**

Published in pamphlet form by authority of the Village President and
Board of Trustees of the Village of Mackinaw.

April 23, 2019

STATE OF ILLINOIS)
COUNTY OF TAZEWELL) SS
VILLAGE OF MACKINAW)

CERTIFICATE OF ORDINANCE

I, the undersigned, do hereby certify that I am the duly appointed, qualified and acting Village Clerk of the Village of Mackinaw, Tazewell County, Illinois (the "Issuer"), and as such official I am the keeper of the records and files of its President and Board of Trustees (the "Corporate Authorities").

I do further certify the foregoing constitutes a full, true and complete excerpt from the proceedings of the regular meeting of the Corporate Authorities held on the *22nd day of April 2019*, insofar as same relates to the adoption of *Ordinance No. 978*, entitled:

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF MACKINAW TO PROVIDE AMENDMENTS TO CHAPTER 96: POSSESSION OF TABACCO PRODUCTS BY MINORS

A true, correct and complete copy of which ordinance (the "Preliminary Ordinance" or "Ordinance") as adopted at such meeting appears in the transcript of the minutes of such meeting. The Preliminary Ordinance was adopted and approved by the vote and on the date therein set forth.

I do further certify the deliberations of the Corporate Authorities on the adoption of such Preliminary Ordinance were taken openly and was on the agenda at least 48 hours before the meeting at which it was adopted, that the adoption of such ordinance was duly moved and seconded, that the vote on the adoption of such ordinance was taken openly and was preceded by a public recital of the nature of the matter being considered and such other information as would inform the public of the business being conducted, that such meeting was held at a specified time and place convenient to the public, that notice of such meeting was duly given to all of the news media requesting such notice, that such meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and the Illinois Municipal Code, as amended, and that the Corporate Authorities have complied with all of the applicable provisions of such Act and such Code and their procedural rules in the adoption of such ordinance.

The pamphlet form of *Ordinance No.978*, including the ordinance and a cover sheet thereof, was prepared and a copy of such Ordinance was posted for public inspection in the municipal building, the Mackinaw United States Post Office, and the Mackinaw Library commencing on *April 23, 2019* and continuing for at least ten days thereafter. The original ordinance was adopted by the Board of Trustees of the Village of Mackinaw at a regular meeting, attended by **five** members of the Board, and approved by the President, as said Ordinance appears on file in my office and as the same is recorded in the Book of Ordinances of said Village.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the official seal of said Village of Mackinaw, Illinois, this **2nd day of May 2019**.



Village Clerk

ORDINANCE NO. 978

AN ORDINANCE AMENDING THE VILLAGE OF MACKINAW MUNICIPAL CODE
SAID MUNICIPAL CODE BEING ORDINANCE NO. 513 OF THE VILLAGE OF
MACKINAW TO PROVIDE AMENDMENTS RELATING CHAPTER 96: POSSESSION OF TOBACCO PRODUCTS
BY MINORS

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MACKINAW.

SECTION 1: Chapter 96 of the Village Code of the Village of Mackinaw is hereby amended in the following manner and method (additions shown in underlined font and deletions in ~~strikethrough~~ font):

CHAPTER 96: POSSESSION OF TOBACCO PRODUCTS BY ~~MINORS~~ PERSONS UNDER 21 YEARS OF AGE

§96.01 DEFINITION.

ALTERNATIVE NICOTINE PRODUCT. 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.

ELECTRONIC CIGARETTE. Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation.

~~MINOR.~~ Any person under eighteen years of age.

TOBACCO ALTERNATIVE. Electronic cigarette or alternative nicotine product.

TOBACCO PRODUCTS. Any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.
(Ord. 557, passed 5-11-98)

§96.02 USE OF TOBACCO PRODUCTS OR TOBACCO ALTERNATIVES.

The use or consumption of tobacco products or tobacco alternatives by ~~minors~~ persons under 21 years of age upon any public sidewalks, public thoroughfares, public streets, public highways, public parks, or any property of a public school, or any other public areas within the village limits is hereby prohibited.
(Ord. 557, passed 5-11-98)

§96.03 POSSESSION OF TOBACCO PRODUCTS OR TOBACCO ALTERNATIVES ON PUBLIC PROPERTY.

The possession of any tobacco products or tobacco alternatives by ~~minors~~ persons under 21 years of age while upon any public sidewalks, public thoroughfares, public streets, public highways, public parks, or any property of a public school, or any other public areas within the village limits is hereby prohibited. In addition, no ~~minor~~ persons under 21 years of age shall have in his or her

possession, to have on one's person or to have in close physical proximity any tobacco products or tobacco alternatives except as hereinafter authorized.
(Ord. 557, passed 5-11-98)

§96.04 POSSESSION OF TOBACCO PRODUCTS OR TOBACCO ALTERNATIVES ON PRIVATE PROPERTY.

No ~~minor~~ persons under 21 years of age who is not on public property shall have in his or her possession any tobacco products or tobacco alternatives. No ~~minor~~ persons under 21 years of age who is not on public property shall use or consume tobacco products or tobacco alternatives.
(Ord. 557, passed 5-11-98)

§96.05 EXCEPTIONS.

It shall not be a violation of this chapter for any such person to have in his or her possession any tobacco products or tobacco alternatives while in the presence of his or her parents or legal guardians or in the performance of a religious ceremony or while participating in any theatrical performance where possession of a tobacco product or tobacco alternative is necessary.
(Ord. 557, passed 5-11-98)

SECTION 2: If any section or part of this Ordinance is held invalid, it shall not affect the validity of the remainder of this Ordinance.

SECTION 3: This Ordinance shall take effect July 1, 2019, publication shall be provided 10 days before as provided by law.

SECTION 4: Ordinance No. 513 of the Village of Mackinaw, as amended by this Ordinance, shall remain in full force and effect and all previous amendments to Ordinance No. 513 shall remain in force and effect except as modified by this Ordinance.

PASSED in due form on a roll call vote by the Board of Trustees of the Village of Mackinaw at a duly held meeting on the 22nd day of April, 2019.

APPROVED:


Craig M. Friend – Village President

ATTEST:


Lisa Spencer – Village Clerk

AYES: 5
NAYS: 0
ABSENT: 1