#### ORDINANCE NO. 522

### AN ORDINANCE TO PROHIBIT THE POSSESSION AND SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS TO MINORS

#### ADOPTED BY THE

CITY COUNCIL

CITY OF SUMNER, ILLINOIS

THIS 13th DAY OF august, 2002

Published in pamphlet form by authority of the City Council of Sumner, Lawrence County, Illinois, this 13th day of Queyest, 2002.

ORDINANCE NO.	
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# AN ORDINANCE TO PROHIBIT THE POSSESSION AND SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS TO MINORS

WHEREAS, the U.S. Surgeon General has repeatedly stated that cigarette smoking is a leading cause of cancer, heart disease and various other medical disorders; and

WHEREAS, the Director of the National Institute on Drug Abuse has found the majority of Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the legal age of majority; and

WHEREAS, the Director of the National Institute on Drug Abuse has found cigarette smoking may be predictive of adolescent illicit drug use;

NOW, BE IT ORDAINED by the Mayor and the City Council of the City of Sumner, Illinois;

#### SECTION ONE: DEFINITIONS

As used in this Ordinance, the following words and phrases shall have the following meanings, unless the context clearly indicated that a different meaning is intended:

Distribution: To give, sell exchange, deliver, dispense, issue or offer to give, sell, exchange, deliver, dispense, or issue.

Minor: A person under 18 years of age.

Retailer: Any person, firm, corporation, association or partnership who operates a store, stand, booth, concession or other place at which sales are made to purchasers for the consumption or use of tobacco products.

## SECTION TWO: ILLEGAL DISTRIBUTION OF CIGARETTES OR OTHER TOBACCO PRODUCTS

- (a) No manufacturer, producer, distributor, wholesaler, or retailer of cigarettes or other tobacco products, or any other person shall give, sell, exchange, or otherwise distribute or possess with the intent to give, sell, exchange, or otherwise distribute any cigarette or any other tobacco products to any minor.
- (b) Exception. A retailer may transfer cigarettes or tobacco products to a minor employee, strictly for resale on the licensed premises to an adult making a purchase.

(c) Penalty. Any person, firm, corporation, or other entity violating this Section of the Ordinance shall be fined not less than \$100 and not more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## SECTION THREE: PURCHASE, POSSESSION, OR SMOKING BY MINORS PROHIBITED

- (a) No minor shall purchase, possess, or consume in any manner or form cigarettes or any tobacco product.
  - (b) Exceptions. Possession is not an offense, if:
  - 1. The minor was in possession of an unopened container or containers of the cigarette or other tobacco products while performing his or her duties at a lawful place of employment.
  - 2. The minor was in possession of a cigarette or other tobacco product while in the presence of his or her parent or legal guardian.
  - 3. The minor was in possession of a cigarette or other tobacco products while performing a religious ceremony; or while participating in a theatrical performance under the direct supervision of an adult.
- (c) Penalty. Any person who violates this Section of the Ordinance shall be fined \$25 for the first offense, and an additional \$5 for each subsequent offense, but not more than \$50. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. On a second offense each offender must attend the Tobacco Awareness Program at the Lawrence County Health Department and provide a Certificate of Compliance to the Court.

#### SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are severable. If any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application.

#### SECTION FIVE: EFFECTIVE DATE

This Ordinance shall take effect and be effective from the dates of its passage as provided by law.

COUNTY OF LAWRENCE  CERTIFICATE  I, BLANCHE PIPER, certify that I am the duly elected and acting municipal clerk of the City of Summer, Lawrence County, Illinois.  I further certify that on	STATE OF ILLINOIS	)		
I, BLANCHE PIPER, certify that I am the duly elected and acting municipal clerk of the City of Sumner, Lawrence County, Illinois.  I further certify that on	COUNTY OF LAWRENCE	)	SS:	
City of Sumner, Lawrence County, Illinois.  I further certify that on Ougust 13, 2002, the corporate Authorities of such municipality passed and approved Ordinance entitled  "AN ORDINANCE TO PROHIBIT THE POSSESSION AND SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS TO MINORS"  which provided by its terms that it should be published in pamphlet form.  The pamphlet form of said Ordinance Addition, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Municipal Building, commencing on the 13day of Ougust, 2002, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal Clerk.  DATED at Sumner, Illinois, this 13day of Ougust, 2002.  (SEAL)		CER	RTIFICATE	
City of Sumner, Lawrence County, Illinois.  I further certify that on Ougust 13, 2002, the corporate Authorities of such municipality passed and approved Ordinance entitled  "AN ORDINANCE TO PROHIBIT THE POSSESSION AND SALE OF CIGARETTES AND OTHER TOBACCO PRODUCTS TO MINORS"  which provided by its terms that it should be published in pamphlet form.  The pamphlet form of said Ordinance Addition, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the Municipal Building, commencing on the 13day of Ougust, 2002, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal Clerk.  DATED at Sumner, Illinois, this 13day of Ougust, 2002.  (SEAL)				
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commencing on the 13th day of 4 to 1, 2002, and continuing for at least ten (10) days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal Clerk.  DATED at Sumner, Illinois, this 13th day of 4 august 2002.  (SEAL)	The pamphlet form of said C	)rdinance	e Addition, including the Ordinance and a cover	
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(SEAL)	request in the office of the municipa	ıl Clerk.		
	DATED at Sumner, Illinois,	this /3	day of August, 2002.	
Blanche Piper	(SEAL)		·	
			Blanche Piper	

Passed by the City Council and approved by the Mayor of the City of Sumner, Illinois, at
a regular meeting on the 13th day of Jugust, 2002.
V
2-4-1/2
Lily & Evan
MAYOR
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ATTEST:

Blanche Piper
CITY CLERK

## DIVERSON AGREEMENT BETWEEN CITY OF SUMNER AND LAWRENCE COUNTY HEALTH DEPARTMENT

City of Sumner Ordinance # Minors Prohibited,	_, Section Three:	Purchase, Possession or S	Smoking by
,			
(a) No minor shall purchase, poss	ess, or consume in	n any manner or form ciga	rettes or

(b) Exceptions. Possession is not an offense, if:

any tobacco product.

- 1. The minor was in possession of an unopened container or containers of the cigarette or other tobacco products while performing his or her duties at a lawful place of employment.
- 2. The minor was in possession of a cigarette or other tobacco product while in the presence of his or her parent or legal guardian.
- 3. The minor was in possession of a cigarette or other tobacco products while performing a religious ceremony; or while participating in a theatrical performance under the direct supervision of an adult.
- (c) Penalty. Any person who violates this Section of the Ordinance shall be fined \$25 for the first offense, and an additional \$5 for each subsequent offense, but not more than \$50. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. On a second offense each offender must attend the Tobacco Awareness Program at the Lawrence County Health Department and provide a Certificate of Compliance to the Court.

### DIVERSION AGREEMENT FOR MINOR(S) ENTERED IN THE TOBACCO AWARENESS PROGRAM

I,address,	, age,,	
home phone,and I.	, work phone,, (a) parent or (b) guardian, agree that I	
will enter the Tobacco Awareness Program as presented by the Lawrence County Health Department. The Tobacco Awareness Program must be entered into within 30 days of the citation to the minor. I understand that upon my successful completion of this program within the presented time limit, all fines as listed under Ordinance # shall be waived.		

The program is available only to first offenders.