

CITY OF SUMNER

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

August, 2002.

ORDINANCE NO. _____

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.

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 August, 2002.

Betty L. Brian
MAYOR

ATTEST:

Blanche Piper
CITY CLERK

**DIVERSION AGREEMENT BETWEEN CITY OF SUMNER
AND LAWRENCE COUNTY HEALTH DEPARTMENT**

City of Sumner Ordinance # _____, 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.

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

I, _____, age, _____,
address, _____

home phone, _____, work phone, _____,

and I, _____, (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.