

AN ORDINANCE AMENDING CHAPTER 12
OF THE ARLINGTON HEIGHTS MUNICIPAL CODE

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ARLINGTON HEIGHTS:

SECTION ONE: That Chapter 12, Merchants, of the Arlington Heights Municipal Code, is hereby amended:

a. That Section 12-201, Definitions, is hereby amended by adding the following definition and relettering the existing definitions within the section accordingly (the language being added is highlighted):

Section 12-201 Definitions. For the purposes of this Article, the following words have the definitions listed:

Electronic Smoking Devices. A device as defined by federal, state, or nationally recognized health organizations which device is capable of providing nicotine or any other substances through vapor or inhalation. This device shall be considered a tobacco product for purposes of this Municipal Code.

b. That Section 12-207, Prohibition of Sales to, Sales by Purchase by and Possession by Minors, is hereby amended by as follows (the language being added is highlighted):

Section 12-207 Prohibition of Sales to, Sales by, Purchase by and Possession by Minors.

- a. Possession. It shall be unlawful for any person under the age of 18 years to possess any tobacco products, ~~or~~ alternative nicotine products **or electronic smoking devices**.
- b. Sales or delivery. It shall be unlawful for any person to sell, offer to sell, give away or deliver tobacco products, ~~or~~ alternative nicotine products **or electronic smoking devices** to any person under 18 years of age. 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 the age of 18 years of age to sell tobacco products, ~~or~~ alternative nicotine products **or electronic smoking devices** in any licensed premises.
- c. Purchase. It shall be unlawful for any person under the age of 18 years to purchase tobacco products, ~~or~~ alternative nicotine products **or electronic smoking devices**, to misrepresent their identity or age or to use false identification for the purpose of purchasing tobacco products, ~~or~~ alternative nicotine products **or electronic smoking devices**.
- d. Signs required. Signs informing the public of the age restrictions provided for in this Section shall be posted by every retail tobacco dealer at or near every display of tobacco products, ~~or~~ alternative nicotine products **or electronic smoking devices** and on or upon every vending machine which offers tobacco products, ~~or~~ alternative nicotine products **or**

electronic smoking devices for sale. Posted signs shall be plainly visible and shall measure at least 8-1/2 inches by 11 inches. Lettering on posted signs shall be at least one-inch in height. Each sign shall be plainly visible and shall state:

THE SALE OF TOBACCO PRODUCTS, ~~OR~~ ALTERNATIVE
NICOTINE PRODUCTS OR ELECTRONIC SMOKING DEVICES TO,
AND POSSESSION OF TOBACCO PRODUCTS, ~~OR~~ ALTERNATIVE
NICOTINE PRODUCTS OR ELECTRONIC SMOKING DEVICES BY,
PERSONS UNDER 18 YEARS OF AGE IS PROHIBITED BY LAW.

- e. Penalties. Retail tobacco dealers engaging in the conduct prohibited by this Section may be subject to license suspension or revocation, in accordance with the applicable provisions of Chapter 9, General Licensing Procedure, concerning revocation and suspension of business licenses. Additionally, any person violating any provisions of this Section shall be subject to prosecution and a fine of not less than \$5 nor more than \$750.
- f. Enforcement at schools. The extent of enforcement of violations of this Section occurring on school property shall be within the discretion of the school officials.

SECTION TWO: The various provisions of this Ordinance are to be considered severable, and if any part or portion of this Ordinance shall be held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance.

SECTION THREE: This Ordinance repeals all ordinances or parts of ordinances in conflict with the provisions hereof and, except as set forth in this Section, shall be in full force and affect from and after its passage, approval and publication in the manner provided by law.

AYES:

NAYS:

PASSED AND APPROVED this 6th day of August, 2018.

Village President

ATTEST:

Village Clerk