

CITY OF ST. CHARLES

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ORDINANCE NO. 1991-M-37

AN ORDINANCE AMENDING TITLE 5,  
"BUSINESS LICENSES AND REGULATIONS,"  
AND TITLE 8, "HEALTH AND SAFETY"  
BY REGULATING TOBACCO PRODUCTS

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ADOPTED BY THE

CITY COUNCIL

OF THE

CITY OF ST. CHARLES

THIS 3RD DAY OF JUNE, 1991

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PUBLISHED IN PAMPHLET FORM BY  
AUTHORITY OF THE CITY COUNCIL  
OF THE CITY OF ST. CHARLES,  
KANE AND DU PAGE COUNTIES,  
ILLINOIS, THIS 7TH DAY OF  
JUNE, 1991

  
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CITY CLERK

(S E A L)

DATE OF PUBLICATION 6/7/91  
NEWSPAPER *Republic*

ORDINANCE NO. 1991-M-37

REFER TO  
MINUTES 6-3-91  
PAGE 3078

AN ORDINANCE AMENDING TITLE 5, "BUSINESS LICENSES  
AND REGULATIONS", AND TITLE 8, "HEALTH AND SAFETY"  
BY REGULATING TOBACCO PRODUCTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,  
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION ONE: That Chapter 5.16, "Cigarette Dealers" of the  
St. Charles Municipal Code, is hereby amended by deleting the same  
and substituting the following therefore:

"Chapter 5.16

TOBACCO DEALERS

5.16.010 Legislative findings and declaration.

The Mayor and City Council find and declare that:

- A. Cigarette smoking is dangerous to human health;
- B. There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical disorders;
- C. The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;
- D. The Director of the National Institute on Drug Abuse concluded that the majority of the three hundred twenty thousand (320,000) American who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
- E. The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use;
- F. The present legislative scheme of prohibiting sales of tobacco products to persons under the age of eighteen

(18) has proven ineffective in preventing such persons from using tobacco products; and

- G. The enactment of this Chapter directly pertains to and is in furtherance of the health, welfare and safety of the residents of the City, particularly those residents under eighteen (18) years of age.

#### **5.16.020 Definitions**

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

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

#### **5.16.030 License - Required - Application**

It is unlawful to sell or vend through machines or to engage in other retail sales of tobacco products without having first obtained a license therefor. Applications for such licenses shall be made to the clerk; and no such license shall be issued to any person who is not a person of good character, or to any corporation that is not represented in the city by a person of good character.

#### **5.16.040 License - Fee**

The annual fee for such license shall be fifty dollars, and where vending machines are used for such sale, an additional fee of fifty dollars shall be paid for each machine.

#### **5.16.050 Licensed premises - Sanitary condition required**

Premises and buildings used for the sale of tobacco products shall be kept in a clean and sanitary condition; the health officer shall investigate such places sufficiently often to insure compliance with the provisions of this section.

#### **5.16.060 Prohibited sales, delivery - signs.**

- A. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years, unless upon the written order of the minor's parents or guardian or unless sold in the presence of such parent or guardian.

- B. The owner and operator of a business located within the City that sells tobacco products, including the owners or operators of tobacco vending machines, shall post signs informing the public of the age restrictions provided for herein at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

"THE SALE OF TOBACCO PRODUCTS TO  
PERSONS UNDER EIGHTEEN YEARS OF AGE  
IS WITH LIMITED EXCEPTIONS  
PROHIBITED BY LAW."

- C. The text of such signs shall be in black letters on a white background, said letters at least one inch high for signs at or near displays of tobacco products, or 1/4 inch high for signs posted on vending machines.

#### 5.16.070 Violation - Penalty

Any person, firm or corporation violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues."

SECTION TWO: That Title 8, "Health and Safety", of the St. Charles Municipal Code, is hereby amended by adding thereto Chapter 8.34 entitled, "Tobacco Regulation", as follows:

#### "CHAPTER 8.34

#### TOBACCO REGULATION

#### 8.34.010 Possession by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or guardian of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited. To the extent, if at all, that this section is construed to be in violation of Chapter 111 1/2 ¶8211 of the Ill. Rev. Stat., it shall be disregarded, but only to such extent it is so construed.

8.34.020 Penalties.

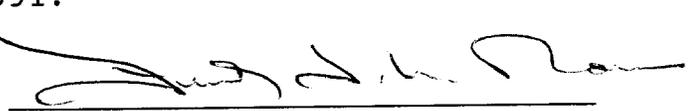
The violation of any provision of this Chapter shall upon conviction be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each offense."

SECTION 3: That after the adoption and approval hereof the Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

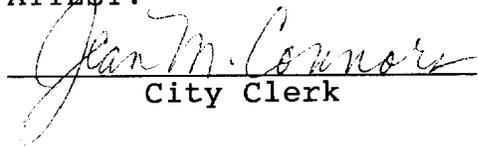
PRESENTED to the City Council of the City of St. Charles, Illinois, this 3rd day of June, 1991.

PASSED by the City Council of the City of St. Charles, Illinois, this 3rd day of June, 1991.

APPROVED by the Mayor of the City of St. Charles, Illinois, this 3rd day of June, 1991.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent: 0

STATE OF ILLINOIS )  
 )  
COUNTIES OF KANE AND DU PAGE ) SS.

C E R T I F I C A T E

I, Jean M. Connors, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on June 3, 1991 the Corporate Authorities of such municipality passed and approved Ordinance No. 1991-M-37, entitled AN ORDINANCE AMENDING TITLE 5,  
"BUSINESS LICENSES & REGULATIONS," & TITLE 8, "HEALTH & SAFETY"  
BY REGULATING TOBACCO PRODUCTS

\_\_\_\_\_ which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 1991-M-37, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on June 7, 1991, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Jean M. Connors DATED at St. Charles, Illinois, this 5<sup>th</sup> day of June, 1991.

Jean M. Connors  
Municipal Clerk

( S E A L )