
**VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS**

ORDINANCE NO. 20 - 06

**AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.28, ARTICLE 26,
SECTION 4.28.1300 OF THE VILLAGE OF HARWOOD HEIGHTS CODE
REGARDING SIGNAGE REQUIREMENTS FOR PROHIBITED SALES OF
TOBACCO, E-CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS TO
UNDERAGE PERSONS**

Passed by the Board of Trustees, February 27, 2020

Printed and Published, February 27, 2020

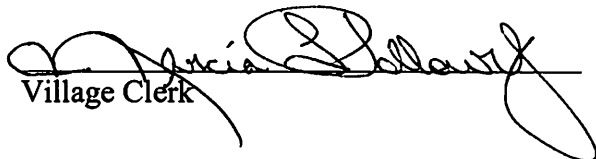
Printed and Published in Pamphlet Form
By Authority of the Village Board of Trustees

VILLAGE OF HARWOOD HEIGHTS
COOK COUNTY, ILLINOIS

ARLENE C. JEZIERNY, MAYOR
MARCIA L. POLLOWY, VILLAGE CLERK

ANNETTE BRZEZNIAK-VOLPE
ANNA BRZOSOWSKI-WEGRECKI
ZBIGNIEW LEWANDOWSKI
THERESE SCHUEPFER
LAWRENCE STEINER
GIUSEPPE "JOE" ZERILLO

I hereby certify that this document was
properly published on the date stated above.


Village Clerk

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UNDERAGE PERSONS**

WHEREAS, the Village of Harwood Heights (the “Village”) is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the Village is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

WHEREAS, pursuant to its home rule power, the Village may exercise any power and perform any function relating to its government and affairs;

WHEREAS, the Village regulates the retail sale and purchase of tobacco products and alternative nicotine products and electronic cigarettes pursuant to Title 4, Chapter 4.28, Article 26 of the Village Code;

WHEREAS, the Village prohibits the sale to, possession and use of tobacco and alternative nicotine products, such as electronic cigarettes, by persons under twenty-one (21) years of age; and

WHEREAS, alternative nicotine products and electronic cigarettes are gaining popularity and being used by persons under eighteen (18) years of age; and

WHEREAS, studies show that the use of such alternative nicotine products and electronic cigarettes are harmful to the human body; and

WHEREAS, research suggests that nicotine can affect brain development in children and

teenagers; and

WHEREAS, the Village Board has determined that it will serve and advance the public's health, safety and welfare and be in the best interest of the Village and its residents, to amend the Village Code to further define and clarify "alternative nicotine products" and "electronic cigarettes" to ensure that vaporizers and all types of electronic nicotine delivery systems are included within the Village's prohibitions on the sale, purchase, possession and use of tobacco and alternative nicotine products within the Village, to or by underage persons in order to combat the dangers associated with vaping; and

WHEREAS, recent studies indicate that 95 percent of all adult smokers started smoking before they turned 21 years old; and

WHEREAS, studies also indicate that people who begin smoking at an early age are more likely to develop a severe addiction to nicotine than those who start at a later age;

WHEREAS, rates of tobacco and alternative nicotine products have decreased significantly in jurisdictions for which the minimum sales age for tobacco products has been increased to 21 years old; and

WHEREAS, the Village Board adopted signage requirements setting forth prohibitions sales of prohibited products to underage persons, but has determined that such signs will better serve and advance the public's health, safety and welfare if they are streamlined.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Harwood Heights, County of Cook, Illinois, as follows:

SECTION 1. Recitals. The foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. Amendments.

Title 4 (“Business Licenses and Regulations”), Chapter 4.28 (“Other Businesses”), Article 26 (“Tobacco Dealers”), Section 4.28.1300 (“Prohibited sales and delivery—Signs”) of the Harwood Heights Village Code of Ordinances, shall be, and hereby is, amended as follows (additions **underlined in bold font**, deletions marked with ~~strikethrough~~):

4.28.1300 - Prohibited sales and delivery—Signs.

- A. It is unlawful for any person, including any licensee, to sell, offer for sale, give away or deliver tobacco, electronic cigarettes, and/or alternative nicotine products to any person under the age of twenty-one (21) years.
- B. Signs informing the public of the age restrictions provided herein shall be posted by every licensee at or near every display of tobacco, electronic cigarettes, and/or alternative nicotine products and on or upon every vending machine which offers tobacco and/or alternative nicotine products for sale. Each such sign shall be plainly visible and shall state:

THE SALE OF TOBACCO, **ELECTRONIC E-CIGARETTES AND/OR ALTERNATIVE NICOTINE PRODUCTS TO PERSONS UNDER 21**~~TWENTY ONE YEARS OF AGE IS PROHIBITED BY LAW~~

The text of such signs shall be in red letters on a white background; the letters are to be a minimum of one-~~half~~ **half (1/2)** inch in height.

C. Before selling, offering for sale, giving or furnishing a tobacco product, electronic cigarette, or alternative nicotine product to another person, the person selling, offering for sale, giving, or furnishing the tobacco product, electronic cigarette, or alternative nicotine product shall verify that the person is at least 21 years of age by examining from any person that appears to be under 30 years of age a government-issued photographic identification that establishes the person to be 21 years of age or older.

- D. Penalties for violation(s) of this Section shall be as set forth in Section 4.28.1380.

SECTION 3. RESOLUTION OF CONFLICTS.

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE.

If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective after its passage, approval, and publication in the manner provided by law.

VOTES

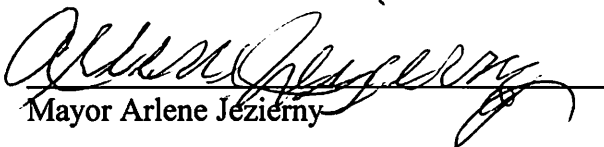
AYES: Trustee Schuepfer, Steiner, Brzezniak-Volpe, Brzozowski-Wegrecki, Lewandowski

NAYS:

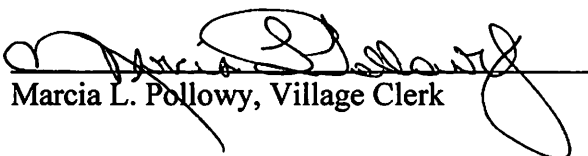
ABSENT: Trustee Zerillo

ABSTAIN:

Passed and Approved this 27th day of February, 2020.


Mayor Arlene Jezierny

ATTEST:


Marcia L. Pollowy, Village Clerk

STATE OF ILLINOIS

COUNTY OF COOK

CERTIFICATION

I, Marcia L. Pollowy, do hereby certify that I am the duly elected and acting Clerk of the Village of Harwood Heights, County of Cook, State of Illinois.

I do further certify that the foregoing Ordinance 20-06 entitled:

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.28, ARTICLE 26, SECTION 4.28.1300 OF THE VILLAGE OF HARWOOD HEIGHTS CODE REGARDING SIGNAGE REQUIREMENTS FOR PROHIBITED SALES OF TOBACCO, E-CIGARETTES OR ALTERNATIVE NICOTINE PRODUCTS TO UNDERAGE PERSONS

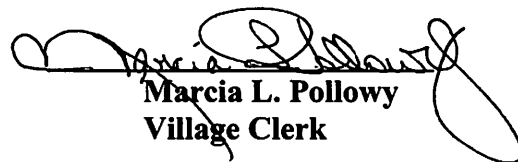
Is true and correct copy of an Ordinance adopted by the Board of Trustees of the Village of Harwood Heights at a meeting held on the 27th day of February, 2020.

I do further certify that the original of which the foregoing is a true copy is entrusted to my care and safekeeping, and that I am keeper of the same.

I do further certify that I am the keeper of the records, ordinances, and resolutions of said Village of Harwood Heights, Cook County, Illinois.

In witness whereof I have hereunto set my official hand and seal this 28th day of February, 2020.




Marcia L. Pollowy
Village Clerk