

ORDINANCE NO. 1, SERIES 2016

AN ORDINANCE REGULATING THE USE OF TOBACCO, TOBACCO PRODUCTS, E-CIGARETTES, AND OTHER SMOKING MATERIALS WITHIN ANY PARKS UNDER THE JURISDICTION OF THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS.

WHEREAS, the Board of Trustees of the Village of Joy, County of Mercer, State of Illinois desires to adopt a comprehensive ordinance regulating the use of tobacco, tobacco products, e-cigarettes, and other smoking materials within any Village parks,

NOW THEREFORE, BE IT ORDAINED by the President and the Board of Trustees of the Village of Joy, County of Mercer, State of Illinois as follows:

SECTION 1. DEFINITIONS: Unless otherwise specified, the word and phrases herein defined are to be used in this Ordinance in the sense given them as follows:

A. Village: The Village of Joy, County of Mercer, State of Illinois.

B. Smoking: The act of inhaling the smoke of, or possessing, a lighted cigarette, cigar, pipe, or any other form of tobacco, tobacco product, e-cigarette, or other smoking material.

SECTION 2. TOBACCO SMOKING PROHIBITED WITH PARKS: It shall be unlawful to smoke within any Park under the jurisdiction of the Village of Joy.

SECTION 3. PENALTY FOR VIOLATION: Any person found liable for violating any provision of this Ordinance shall be subject to a fine and penalties in accordance with the following schedule:

A. First violation shall result in the issuance of a warning;

B. Second violation within the calendar year shall result to the revocation of any permit issued by the Village and, in addition, a fine of Twenty-Five Dollars (\$25.00);

C. Third violation within the calendar year shall result in a fine of no less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00);

D. Fourth and subsequent violations within the calendar year shall result in a fine of no less that fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).

SECTION 4. ENFORCEMENT: Proceedings to enforce violations of this ordinance may be initiated and conducted in accordance with and pursuant to the provisions of the Village Ordinances providing for Administrative Adjudication of Code Violations, or by any other means provided by law.

SECTION 5. SEVERABILITY: The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portion of this Ordinance, which shall be enforced to the fullest extent possible.

SECTION 6. REPEALER: All ordinances or portions of ordinances previously passed or adopted by the Village of Joy that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

PASSED by the Board of Trustees of the Village of Joy, Mercer County, Illinois this 17th day of February, 2016 and approved by the President of the Village of Joy, Mercer County, Illinois this 17th day of February, 2016.

Todd Heath, Village President

ATTEST:

Christine Junis, Village Clerk

STATE OF ILLINOIS)

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CERTIFICATION

COUNTY OF MERCER)

I, Christine Junis, as Clerk of the Village of Joy, Illinois, do hereby certify that I am the duly appointed, qualified Village Clerk of said Village; that I am the official keeper of all books and records of said office and of said Village; that the foregoing is a full, true, correct, and complete copy of **“ORDINANCE NO. 1, SERIES 2016, AN ORDINANCE REGULATING THE USE OF TOBACCO, TOBACCO PRODUCTS, E-CIGARETTES, AND OTHER SMOKING MATERIALS WITHIN ANY PARKS UNDER THE JURISDICTION OF THE VILLAGE OF JOY, COUNTY OF MERCER, STATE OF ILLINOIS”**, which was adopted by the President and Board of Trustees of said Village on the 17th day of February, 2016 at a regularly called and constituted meeting of said President and Board of Trustees; that said Ordinance was passed by a roll call vote at said meeting at which more than a quorum was present, all of which fully appears from the official records and minutes of said Board of Trustees in my office now remaining.

IN WITNESS WHEREOF, I have hereunto affixed my hand and signature as Clerk of the Village of Joy, Illinois, and the corporate seal of said Village, at Joy, Illinois, this 17th day of February, 2016.

Clerk of the Village of Joy, Illinois

(CORPORATE SEAL)