
ORDINANCE NO. 2025-26-01

An Ordinance Amending Chapter 43, Offense against Public Peace, Safety and Morals, amending Section 43.16 Bathing and Section 43.20 Possession and Use of Beedi Cigarettes, e-Cigarettes, Smoking Herbs, Tobacco Accessories and Smokeless Tobacco of the provisions thereafter of the Johnsbury Municipal Code

AN ORDINANCE PASSED BY THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG
AT A REGULAR MEETING ON MAY 6, 2025
PUBLISHED IN PAMPHLET FORM BY AUTHORITY OF THE
PRESIDENT AND BOARD OF TRUSTEES
OF THE VILLAGE OF JOHNSBURG

President

Edwin P. Hettermann

Board of Trustees

Mike Fouke
Josh Hagen
Scott Letzter
Jamie Morris
James Sylvanus
Keith Von Allmen

Village Administrator

Claudett Sofiakis

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BE IT ORDAINED by the President and Board of Trustees of the Village of Johnsburg, McHenry County, Illinois, as follows:

SECTION 1: Chapter 43, Offense against Public Peace, Safety and Morals, amending Section 43.16 Bathing and Section 43.20 Possession and Use of Beedi Cigarettes, e-Cigarettes, Smoking Herbs, Tobacco Accessories and Smokeless Tobacco as follows:

43.16 BATHING.

It shall be unlawful for any person to bathe at any public place, or in any place open to public view, unless such person is adequately or decently clothed or garbed in a bathing suit. It shall be unlawful for any person to robe or disrobe at any public place or in any place open to public view, or to change clothing, or to change into or out of a bathing suit in a manner or act of public indecency to lewd exposure of the body done with intent within the corporate limits of the Village.

Any offense arising under this Section 43.16, may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class B violation in Chapter 1.07-E.

43.20 POSSESSION AND USE OF BEEDI CIGARETTES, E-CIGARETTES/VAPING DEVICES, SMOKING HERBS, TOBACCO ACCESSORIES, SMOKELESS TOBACCO, LIQUID/SYRUP PRODUCTS CONTAINING NICOTINE, NICOTINE POUCHES, NICOTINE INFUSED OR SUBSTANCE

A. Definitions:

Terms used in this Section 43.20 are defined as follows:

Beedi cigarette: a product that contains tobacco that is wrapped in temburni or tendu leaf or that is wrapped in any other material identified by rules of the Illinois Department of Public Health that is similar in appearance or characteristics to the temburni or tendu leaf.

E-Cigarettes: A cigarette-shaped device containing a nicotine-based liquid that is vaporized and inhaled, used to simulate the experience of smoking tobacco.

Vaping Devices: Devices which produce an aerosol by heating a liquid/syrup usually containing Nicotine.

Smoking herbs: all substances of plant origin and their derivatives, including but not limited to broom, calea, California poppy, damiana, hops, ginseng, lobelia, jimson weed and other members of the Datura genus, passion flower and wild lettuce, which are processed or sold primarily for use as smoking materials.

Smokeless tobacco: any finely cut, ground, powdered or leaf tobacco that is intended to be placed in the oral cavity; any tobacco product that is suitable for dipping or chewing. Tobacco accessories: cigarette papers, pipes, holders of smoking materials of all types, cigarette rolling machines and other items, designed primarily for the smoking or ingestion of tobacco products or of substances made illegal under any statute or of substances whose sale, gift, barter or exchange is unlawful.

Tobacco products: cigars, cigarettes, smokeless tobacco or tobacco.

Liquid/Syrup products containing Nicotine: products designed for use in vaping devices that by design convert the liquid/syrup to an aerosol that provides for ingestion of the Nicotine through the mouth or nose.

Nicotine Pouches: pouches or similar products containing Nicotine primarily for oral ingestion which contain no tobacco leaf.

B. Purchase and Use of Tobacco Products Prohibited:

1. No person under 21 years of age shall purchase any tobacco/Nicotine product in any of its forms. No person shall sell, purchase for, distribute samples of or furnish any tobacco/Nicotine product in any of its forms to any person under 21 years of age. Tobacco/Nicotine products may be sold through a vending machine only when such tobacco/Nicotine products are not sold along with non-tobacco/non-Nicotine products in the vending machine and only in the following locations:
 - a. Factories, businesses, offices, private clubs and other places not open to the general public.
 - b. Places to which persons under 21 years of age are not permitted access.
 - c. Places where alcoholic beverages are sold and consumed on the premises.
 - d. Places where the vending machine is under the direct supervision (the owner or employee has an unimpeded line of sight to the vending machine) of the owner of the establishment or an employee over 21 years of age. The sale of tobacco/Nicotine products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco/Nicotine products by that person.
 - e. Places where the vending machine can only be operated by the owner or an employee over age 21 either directly or through a remote control device if the device is inaccessible to all customers.
2. Penalty: Any person violating any provision of this Section 43.20-B is guilty of a petty offense and for the first offense shall be fined \$200, \$400 for the second offense in a 12-month period, and \$750 for the third or any subsequent offense in a 12-month period and be responsible for the Village's cost of prosecution, including reasonable attorney fees.

C. Possession of Tobacco Products:

1. No person under 21 years of age shall possess any tobacco/Nicotine product in any of its forms.
2. Penalty: If a minor (17 years of age or under) violates this Section 43.20-C the minor shall be guilty of a petty offense and may be fined Class A fine and be sentenced to 15 hours of community service for the first offense. If a second violation occurs within a 12-month period after the first offense the fine shall be Class B fine and 25 hours of community service. For a third or subsequent violation that occurs within a 12-month period after the first offense, the fine shall be Class C fine and 40 hours of community service. If there is a second or subsequent violation not within a 12-month time period after the first violation, a fine of Class B fine and 15 hours of community service shall be assessed. For any violation the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees

D. Tobacco Accessories and Smoking Herbs:

1. Sale to Persons under 21 years of age Prohibited: No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, bartered, exchanged, delivered or given away tobacco accessories or smoking herbs to any person under 21 years of age.
2. Sale of Beedi Cigarettes: No person shall knowingly sell, barter, exchange, deliver or give away a Beedi cigarette to another person, nor shall a person cause or permit or procure a Beedi cigarette to be sold, bartered, exchanged, delivered or given away to another person.

3. Sale of Cigarette Paper: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered, exchanged, delivered or given away except from premises or an establishment where other tobacco products are sold.

4. Sale of Cigarette Paper from Vending Machines: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or cause, permit or procure cigarette paper to be sold, offered, bartered exchanged, delivered or given away by use of a vending or coin-operated machine or device. For purposes of this Section 43.20-D4, cigarette paper shall not include any paper that is incorporated into a product to which a tax stamp must be affixed under the Cigarette Tax Act (35 ILCS 130/1 et seq.) or the Cigarette Use Tax Act (35 ILCS 135/1 et seq.).

5. Use of Identification Cards: No person in the furtherance or facilitation of obtaining smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter or deface an identification card.

6. Warning to Minors: Any person, firm, partnership, company or corporation operating a place of business where Nicotine products, tobacco accessories, and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign which there shall be imprinted the following statement: "NICOTINE PRODUCTS, SALE OF TOBACCO ACCESSORIES, AND SMOKING HERBS TO PERSONS UNDER 21 YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS PROHIBITED BY LAW.". The sign shall be printed on a white card in red letters at least one-half inch in height.

7. Penalty:

a. Except for Section 43.20-D2, any person who knowingly violates or shall knowingly cause the violation of any provision of this Section 43.20-D shall be guilty of a Class C misdemeanor and shall be fined pursuant to 730 ILCS 5/5-4.5-65(e). In addition, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.

b. Any person who knowingly violates or shall knowingly cause the violation of Section 43.20-D2 shall be guilty of a petty offense for which the offender shall be fined as follows: for the first offense, not less than \$200 or more than \$400, for a second offense within a 2-year period, not less than \$200 or more than \$750, and for a third or subsequent offense within a 2-year period, not less than \$400 or more than \$750. In addition, the violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.

E. Retailers and their employees are required:

1. To check a photo identification showing a date of birth of anyone under the age of 27 before selling tobacco products.

2. To sell tobacco/Nicotine products only in a direct, face-to-face exchange.

3. Not to sell or distribute individual cigarettes or samples of cigarettes except in the original packaging, and no package shall contain less than 20 cigarettes.

4. To only accept coupons for redemption from adults (21 years of age or older) at the store, not through the mail.

5. To have all tobacco/Nicotine advertisements and promotional material that have any pictures or colors removed. Only advertisements or material with black text on a white background are allowed. (Exception: inside places that never have anyone under the age of 21 present, pictures or colors are permitted if the advertisements are not visible from the outside and cannot be removed.)

6. To have all outdoor advertisements and promotional material (including on store windows) that are within 1,000 feet of a school or public playground removed. Beyond 1,000 feet, only ads or material with black text on a white background are allowed.

7. Not to give hats, t-shirts or any other gift items to anyone in exchange for a tobacco proof-of-purchase or as part of the sale of tobacco products.

SECTION 2: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Voting Aye: Trustees Letzter, Fouke, Von Allmen, Sylvanus, Hagen and Morris

Voting Nay: None

Abstain: None

Absent: None

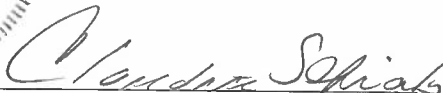
APPROVED:



Village President Edwin P. Hettermann



ATTEST:


Village Clerk Claudett Sofiak

Passed: May 6, 2025

Approved: May 6, 2025

Published: May 6, 2025

CERTIFICATION

I, CLAUDETT E. SOFIAKIS, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Johnsburg.


I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 6th day of May 2025, the foregoing Ordinance entitled *An Ordinance Amending Chapter 43, Offense against Public Peace, Safety and Morals, amending Section 43.16 Bathing and Section 43.20 Possession and Use of Beedi Cigarettes, e-Cigarettes, Smoking Herbs, Tobacco Accessories and Smokeless Tobacco of the provisions thereafter of the Johnsburg Municipal Code*, was duly passed by the President and Board of Trustees of the Village of Johnsburg.

The pamphlet form of Ordinance No. 2025-26-01 including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 6th day of May, 2025, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Johnsburg, this 6th day of May, 2025.




Claudett E. Sofiakis, Village Clerk
Village of Johnsburg,
McHenry County, Illinois