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**ORDINANCE 13-14-14**

**An Ordinance Amending Chapter 8, Parks and Playgrounds,  
of the Johnsburg Municipal Code Adding Regulations  
regarding the Use of Tobacco Products on Park Property**

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AN ORDINANCE PASSED BY THE  
PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF JOHNSBURG  
AT THEIR REGULAR MEETING ON SEPTEMBER 4, 2013  
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

John Huemann  
Mary Lou Hutchinson  
Rich Janusz  
Greg Klemstein  
Kevin McEvoy  
Janice Sisk

Village Clerk

Claudett E. Peters

## ORDINANCE 13-14-14

### **An Ordinance Amending Chapter 8, Parks and Playgrounds, of the Johnsburg Municipal Code Adding Regulations regarding the Use of Tobacco Products on Park Property**

SECTION 1: That Chapter 8 is amended as follows:

#### **8.08 USE OF TOBACCO PRODUCTS**

##### **A. Use of Tobacco Products prohibited**

The use of any tobacco product is prohibited within all buildings, facilities and vehicles owned, leased, or otherwise in the possession or under the control of the Village of Johnsburg, or within 15 feet of facility entrances/exits, windows that open and ventilation intakes. The use of any tobacco product is also prohibited on or within twenty-five (25) feet of any Village of Johnsburg playground, sports field, shelter or structure

##### **B. Definition**

Tobacco is defined to include any lighted or unlighted cigarette (clove, bidis, kreteks), e-cigarettes, cigars, cigarillos, pipes, hookah products; and any other smoking product; and any smokeless, spit or spit less, dissolvable, or inhaled tobacco products, including but not limited to dip, chew, snuff or snus, in any form (orbs, sticks, strips, pellet, etc.); and all nicotine delivery devices that are not FDA-approved as cessation products.

##### **C. Penalties for Violation**

A person who violates any provision of this Ordinance shall be given a warning for the first offense within any 12-month period. A person who violates this Ordinance on two or more occasions within any 12-month period shall be fined as follows: 2nd offense: Fifty Dollars (\$50.00); 3rd or subsequent offense within any 12-month period One Hundred Dollars (\$100.00). The maximum fine for any single violation of this Ordinance shall be One Hundred Dollars (\$100.00). In addition to a fine, any person holding a Park Permit issued by the Village shall be subject to revocation of said Permit.

##### **D. Enforcement**

The Police of the Village of Johnsburg, Illinois, shall be and hereby are authorized and empowered to enforce this and all ordinances. This Ordinance shall not be construed to create any duty of the Village, its officers, or employees.

**8.09 SETTLEMENT OF OFFENSES.** Any offense arising under this Chapter 8, for which a specific penalty is not stated may be settled and compromised by the offender by payment to the Village the sum of money stated for a Class A violation in Chapter 1.07-E.

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 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: Trustee Huemann, Hutchinson, Janusz, Klemstein, McEvoy and Sisk

Voting No: None

Absent: None

Abstain: None

APPROVED:

  
Edwin P. Hettermann, Village President

(SEAL)

ATTEST:

  
Claudett E. Peters, Village Administrator

Passed: September 4, 2013  
Approved: September 4, 2013  
Published: September 4, 2013

Prepared by:  
Claudett E. Peters, Village Administrator  
Village of Johnsburg  
1515 Channel Beach Ave  
Johnsburg, IL 60051

CERTIFICATION

I, CLAUDETT E. PETERS, do hereby certify by my signature affixed below that I am the duly appointed, acting and qualified Clerk of the Village of Johnsburg, County of McHenry, Illinois.

I do further certify that a regular meeting of the President and Board of Trustees of the Village of Johnsburg, held on the 4 day of September, 2013 the foregoing Ordinance entitled: ***"An Ordinance Amending Chapter 8, Parks and Playgrounds of the Johnsburg Municipal Code regarding the Use of Tobacco Products on Park Property"*** was duly passed by the President and Board of Trustees of the Village of Johnsburg, a true and correct copy of which is attached hereto. The passage of said Ordinance was on a roll call vote, on which the vote was as follows:

Voting Aye: Trustee Huemann, Hutchinson, Janusz, Klemstein, McEvoy and Sisk

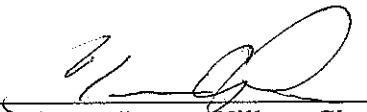
Voting Nay: None

Absent: None

Abstain: None

I do further certify that said Ordinance was duly published on 4th of September, 2013 in pamphlet form.

IN WITNESS WHEREOF, I have above set my hand and caused to be affixed the seal of the VILLAGE OF JOHNSBURG, Illinois, on the 4th day of September, 2013.

  
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Claudett E. Peters, Village Clerk  
Village of Johnsburg

(SEAL)