

ORDINANCE NO. 15-_____

**AN ORDINANCE AMENDING TITLE 3 (BUSINESS AND LICENSE REGULATIONS),
CHAPTER 3 (LIQUOR AND TOBACCO CONTROL), SECTION 1 (DEFINITIONS)
AND TITLE 4 (HEALTH AND SANITATION), CHAPTER 9 (SMOKE FREE)
OF THE NAPERVILLE MUNICIPAL CODE**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAPERVILLE, DUPAGE AND WILL COUNTIES, ILLINOIS, in exercise of its home rule powers that:

SECTION 1: Title 3 (Business and License Regulations), Chapter 3 (Liquor and Tobacco Control), Section 1 (Definitions) is hereby amended by deleting the stricken language and adding the underlined language as follows:

3-3-1: DEFINITIONS:

All words and phrases used in this Chapter, not otherwise defined herein, and which are defined in “An Act Relating to Alcoholic Liquors”, approved January 31, 1934, as amended, shall have the meanings accorded to such words and phrases in said Act. Unless the context otherwise required, the following terms as used in this Chapter shall be construed according to the definitions given below:

ALCOHOLIC LIQUOR through **TOBACCO LICENSE** * * *

TOBACCO PRODUCTS: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco; and any “alternative nicotine product” as defined under 720 Illinois Compiled Statutes 675/1.5(a), as amended from time to time.

VENDING MACHINE through **WINE OR VINOUS BEVERAGES** * * *

SECTION 2: Title 4 (Health and Sanitation), Chapter 9 (Smoke Free) is hereby amended by deleting the stricken language and adding the underlined language as follows:

**CHAPTER 9 - SMOKE FREE
SECTION:**

4-9-1: - ADOPTION OF SMOKE FREE ILLINOIS ACT:

1. The Smoke Free Illinois Act (Public Act 095-0017), as amended from time to time, is hereby adopted by reference to be applied within the corporate limits of the City of Naperville to the extent permitted by law and to the extent that its subject matter is not regulated by this Code or inconsistent with any lawful provisions of this Code.

2. All references in sections of the Smoke Free Illinois Act to this "Act" or "Code" shall be to sections of the Smoke Free Illinois Act. References to a State employee or official may be to a corresponding City employee or official where such reference is applicable or necessary. Any provision of the Smoke Free Illinois Act adopted herein may be cited by placing "4-9:" before the appropriate Smoke Free Illinois Act section, for example, 4-9:1-123, Naperville Municipal Code.

3. The use of any "alternative nicotine product" as defined under 720 Illinois Compiled Statutes 675/1.5(a), as amended from time to time, specifically the use of what is commonly known as electronic cigarettes or e-cigarettes, shall be included within the definition of "smoking" or "smoke" under the Smoke Free Illinois Act, 410 Illinois Compiled Statutes 82/10, as amended from time to time.

4-9-2: - ENFORCEMENT:

1. The Police Department and Code Enforcement Division of the Department of Transportation, Engineering and Development are empowered to adopt procedures for the issuance of citations and the collection of civil penalties and costs under this Chapter, to the extent that they do not contradict or are otherwise inconsistent with the provisions of this Code.

SECTION 3: This Ordinance shall be in full force and effect upon its passage and approval.

PASSED this _____ day of _____, 2015

AYES

NAYS

ABSENT

APPROVED this _____ day of _____, 2015

ATTACHMENT 1

A. George Pradel
Mayor

ATTEST:

Pam LaFeber, Ph.D
City Clerk

ATTACHMENT 1