

CITY OF MARSHALL

ORDINANCE NO. 2015-O- 18

AN ORDINANCE AMENDING CHAPTER 58. OFFENSES AND MISCELLANEOUS PROVISIONS. ARTICLE IV. SALES TO AND POSSESSION OF TOBACCO PRODUCTS BY MINORS. SECTION 58-82. DEFINITIONS AND SECTION 58-83. SALE OF TOBACCO PRODUCTS.

ADOPTED BY THE  
CITY COUNCIL  
OF THE  
CITY OF MARSHALL

Published in pamphlet form by authority of the City of Marshall, Clark County, Illinois, this day of December 14, 2015.

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BE IT ORDAINED by the City Council of the City of Marshall, Illinois:

Section 1. That an ordinance amending Chapter 58. Offenses and Miscellaneous Provisions. Article IV. Sales to and Possession of Tobacco Products by Minors. Section 58-82. Definitions and Section 58-83. Sale of Tobacco Products, of the Code of Ordinances, City of Marshall, Illinois is hereby amended to read as follows, with strikeouts indicating deletions in text and underscores indicating additions to text:

**Sec. 58-82. Definitions.**

As used in this article, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

*Distribution.* To give, sell, deliver, dispense, issue or offer to give, sell, deliver, dispense, or issue.

*E-Cigarette.* A device used to simulate the experience of smoking, having a cartridge with a heater that vaporizes liquid nicotine instead of burning tobacco.

*Employee.* Any person who may be required or directed by any employer in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work , or be at any time in any place of employment.

*Employer.* Any person, firm, corporation, organization, agent, manager, representative, or other person having control or custody of any employment, place of employment, or employee.

*Minor.* A person under 18 years of age.

*Organization.* A corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated association, estate, trust, or other commercial legal entity.

*Tobacco products.* Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

*Vending Machine.* Any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

**Sec. 58-83. Sale of tobacco products.**

It shall be unlawful for any person to sell, give, provide or distribute any tobacco products or E-Cigarettes or to allow any person under the age of 18 years to have possession of any tobacco products or E-Cigarettes in violation of this article.

Section 2. If any provision of this Ordinance, or application thereof, is held invalid by any Court, other provisions or applications of this Ordinance which can be given effect without the invalid provision or application shall not be affected, and to this end the provisions of this Ordinance are declared to be severable.

Section 3. That this Ordinance shall be published in pamphlet form and shall take effect ten (10) days after its passage, approval and publication in pamphlet form as provided by law.

	<u>AYES</u>	<u>NAYS</u>	<u>ABSENT</u>
Cathy Macke	✓		
Mark Strait	✓		
Warren J. Le Fever	✓		
James McKittrick	✓		
Cheryl A. Raisner	✓		
Tim J. Sanders	✓		
Vickie Wallace	✓		
Michael Smitley	✓		

PASSED this 14 day of December, 2015.

APPROVED this 14 day of December, 2015.

ATTESTED, filed in my office,  
and published in pamphlet form  
this 14 day of December, 2015.

MAYOR

CITY CLERK

(SEAL)