

ORDINANCE 12-86 Passed: November 13, 2012

AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 52, "OFFENSES AGAINST PUBLIC PEACE-SAFETY AND MORALS," SECTION 52.300 "TOBACCO USE, CONSUMPTION, POSSESSION BY MINORS."

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, *et. seq.*; and,

WHEREAS, the Corporate Authorities of the City have heretofore provided a process for the proposal of items for inclusion on meeting agendas for the City Council or Committee of the Whole; and,

WHEREAS, the Corporate Authorities have determined that the public health, welfare, safety and morals are protected by the utilization of such policies; and,

WHEREAS, in order to effectuate such policies, the Council has determined that it is appropriate to amend such policies as outlined below;

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb, DeKalb County, Illinois, as follows:

Section 1. That the Municipal Code of the City of DeKalb, Chapter 52, "Offenses Against Public Peace – Safety And Morals," be amended as follows:

52.300 TOBACCO USE, CONSUMPTION, POSSESSION BY MINORS.

It shall be unlawful for any person under the age of eighteen (18) years, to use, possess or consume any cigar, cigarette, smokeless tobacco or tobacco in any of its forms within One Thousand feet of the property line of ~~The DeKalb High School, 1515 South Fourth Street, Huntley Middle School, 821 South Seventh Street, or Clinton Rosette Middle School, 650 North First Street~~ any public school within the corporate limits of the City of DeKalb. For purposes of this section, "smokeless" tobacco shall mean any tobacco product that is suitable for dipping or chewing.

Penalty: Any person violating this Section, shall be fined not less than ~~Twenty Seven Five Dollars (\$75.00)~~ nor more than ~~One Hundred Dollars (\$100.00)~~ for each offense.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

Section 3. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and affect the same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law. On the tenth day after the date of publication, this Ordinance shall be in full force and effect. Publication date: November 14, 2012. Effective date: November 23, 2012.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a regular meeting thereof held on the 13th day of November, 2012 and approved by me as Mayor on the same day. Passed in omnibus form by roll call vote 8-0. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen.

ATTEST:



DIANE K. WRIGHT, City Clerk



KRIS POVlsen, Mayor

