



Village of Algonquin

Police Department



Dennis W. Walker
Chief of Police

To: All Village of Algonquin Tobacco Product Retailers

In order to ensure tobacco retailers are educated and properly licensed through the State of Illinois, the Village of Algonquin has initiated a Tobacco License process for all tobacco retailers within the Village limits.

This license will be required to sell tobacco and electronic vape products and will be renewed annually. Included in this packet are a copy of the applicable Village Municipal Code, the Ordinance that passed, and the application for your license. The Algonquin Police Department has dedicated officers and resources to assist in this process and are available for questions at (847) 658-4531.

Throughout the year the Tobacco Compliance Unit will be conducting audits on establishments that focus on the Village of Algonquin's sales requirements including the state's Tobacco 21 effort as well as having your new license displayed.

If you have any concerns or questions regarding our local ordinances or state requirements, please contact one of our compliance officers listed below. I also encourage you to contact me directly if you need assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis W. Walker".

Dennis W. Walker
Chief of Police

Sergeant Robert Salazar: RobS@algonquin.org
Officer Mark Zahara: MZahara@algonquin.org
Officer Trevor Wogsland: TrevorWogsland@algonquin.org

Phone: (847) 658-4531



VILLAGE OF ALGONQUIN
SALE OF TOBACCO AND TOBACCO PRODUCTS
LICENSE APPLICATION

Step 1: Identify Your Business

1 Federal employer identification number (FEIN)
 FEIN: _____ - _____
 Proprietorships must provide the Social Security number (SSN) under which taxes will be filed.
 SSN: _____ - _____ - _____

2 Legal business name:

3 Doing-business-as (DBA), assumed, or trade name, if different from Line 2:

4 Primary or legal business address:

Street address - No PO Box Suite Number

City State ZIP

5 Mailing address if different from the address above:

In-care-of name

Street address or PO Box number Suite number

City State ZIP

6 Identify a contact person regarding your business.
 Name: _____
 Title: _____
 Phone: (_____) _____ - _____
 Email address: _____

7 Check the organization type that applies to you:
 Proprietorship
 Partnership
 Corporation
 Governmental unit Not-for-profit organization
 LLC - Corporation LLC - Partnership
 LLC - S Corporation LLC - Single member

8 Illinois Tobacco License Number:

9 Illinois Sales Tax Number:

Step 2: Your Business Activities

1 Describe your business activities:

5 Will You Have Employees? Yes No

6 What Measures Will You Take to Train Your Employees Who Sell Tobacco Products?

Will You Be Selling Cigarettes and Other Tobacco Products?

2 Cigarettes Yes No

3 Tobacco Products Yes No

4 Will a Cigarette Machine Operate at Your Place of Business?
 Yes - Number of Machines: _____ No

Step 3: Sign Below – Under penalties of perjury, I state that I am the owner or legal representative of the business described in this application, I have examined this information and, to the best of my knowledge, it is true, correct, and complete. I further attest that I have read and understand regulations and liabilities of Chapter 43.23 (Smoke Free Village) and Chapter 43.30 (Sale of Tobacco) and will not violate any laws of the State of Illinois, the United States or any ordinance of the Village of Algonquin in the conduct of this place of business.

Signature: _____ Title: _____ Date: ____/____/____
 Printed Name: _____ Phone: (_____) _____ - _____
 Address: _____
Address City State Zip Code

Return Completed Application and \$50.00 Application Fee to:
 Deputy Village Clerk
 Village of Algonquin
 2200 Harnish Drive
 Algonquin, IL 60102

Office Use Only:

Application Received by: _____
 Date Received: _____
 License Fee Received (\$50): _____

ORDINANCE NO. 2020- O - 34

An Ordinance Amending Section 43.23, Smoke Free Village, and Section 43.30, Sale of Tobacco, of Chapter 43, Offenses Against Public Peace, Safety and Morals, of the Algonquin Municipal Code

WHEREAS, the Village of Algonquin, McHenry and Kane counties, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the VILLAGE OF ALGONQUIN, McHenry and Kane counties, Illinois, as follows:

SECTION 1: Paragraph A of Section 43.23, Smoke Free Village, of Chapter 43, Offenses Against Public Peace, Safety and Morals, of the Algonquin Municipal Code shall be amended to read as follows:

A. Smoke Free Illinois Act: The Village does hereby concur with the findings of the Illinois General Assembly in the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*), ("Act") and adopts the Act as the Smoke Free Algonquin Act.

1. Additional definitions:

- a. Cannabis means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives. Cannabis also means cannabis flower, concentrate, and cannabis-infused products.
- b. Smoke or smoking means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, cannabis, vapor products, or any other lighted smoking equipment. "Smoke" or "smoking" does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.
- c. Vapor product means any non-combustible product that employs a heating element, power source, electronic circuit, or other electronic chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or any other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, as well

as any vapor cartridge or other container that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

SECTION 2: Section 43.23, Smoke Free Village, of Chapter 43, Offenses Against Public Peace, Safety and Morals, of the Algonquin Municipal Code shall be amended by renumbering Paragraph B as Paragraph C and Paragraph B shall read as follows:

B. Exemptions: Notwithstanding any other provision of the Smoke Free Algonquin Act, smoking is allowed in any retail tobacco store that legally allowed smoking prior to the enactment of the Smoke Free Illinois Act (410 ILCS 82/1, *et seq.*); however, smoking cannabis is strictly prohibited. Any retail tobacco store that begins operations after the enactment of the Smoke Free Illinois Act, shall not permit smoking on its premises. Any retail tobacco store that commenced operations prior to the Smoke Free Illinois Act, and did not allow smoking on its premises, shall not allow smoking on its premises.

SECTION 3: Section 43.30, Smoke Free Village, of Chapter 43, Offenses Against Public Peace, Safety and Morals, of the Algonquin Municipal Code shall be amended by renumbering Paragraph D as Paragraph E and Paragraph D shall read as follows:

D. Tobacco, Tobacco Accessories, Electronic Cigarette, Smoking Herbs, Alternative Nicotine Product or Liquid Nicotine Dealer's License:

1. License required: It shall be unlawful to sell or offer for sale at retail, to give away or keep with the intention of selling at retail, giving away or delivering tobacco products, tobacco accessories, electronic cigarettes or their components, smoking herbs, alternative nicotine products or liquid nicotine within the Village without having first obtained a tobacco dealer's license. Such license shall be in addition to any other license required by the Algonquin Municipal Code. Applications for a license shall be made in writing to the Village, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit. Such application shall contain the name of the applicant, the address at which such sales are to be made, in the case of cigarette vending machines, the number of machines for which licenses are to be issued and are located within the building or structure, and a statement that applicant will not violate any laws of the State, the United States or any ordinance of the Village in the conduct of his place of business.
2. License Period; Fee: The license period shall be from January 1 to December 31. The annual license fee shall be \$50, payable to the Village on or before January 1 of each year.

3. Personal Nature of License: A issuance of a tobacco dealer’s license is a purely personal privilege, good for the license period, unless suspended or revoked. The Village Board may deny an application if the issuance of such a license would tend to create a law enforcement problem, result in or add to an undue concentration of licenses, or have a deleterious impact on the health, safety or welfare of the area in which the licensed premise is to be located. No such license shall be transferrable.
4. Displaying License: Every licensee shall cause the license to be framed and hung in plain view in a conspicuous place on the licensed premises.
5. Suspension or Revocation: Violations of federal law, state statute or Village ordinance or regulation shall be sufficient cause of the revocation or suspension of any license issued under this ordinance.
6. Responsibility for Agents and Employees: Any act of omission constituting a violation of any provision of this Section by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee and such licensee shall be punishable in the same manner as if such act or omission has been done or omitted by the licensee personally.
7. Penalty: Any person violating any provision of this Section 43.30-D shall be fined pursuant to Appendix B of this Code and be responsible for the Village’s cost of prosecution, including reasonable attorney fees.

SECTION 4: Appendix B, Penalty, Salary, Bonds and Fees, of the Algonquin Municipal Code shall be amended to add the following entries:

43.30-D	Tobacco, Electronic Cigarette, Smoking Herbs, Nicotine Products, Penalty	
	First offense	\$100/\$500
	Second offense in a 12-month period	\$250/\$600
	Third and any subsequent offense in a 12-month period	\$500/\$1,000

SECTION 5: 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 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7: 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.

Aye: Brehmer, Steigert, Glogowski, Spella, Jasper, Sosine

Nay: None

Absent: None

Abstain: None

APPROVED:



Acting Village President Debby Sosine

(SEAL)

ATTEST:  by: 
Village Clerk Gerald S. Kautz Michelle Weber, Deputy Village Clerk

Passed: September 15, 2020

Approved: September 15, 2020

Published: September 16, 2020

Prepared by:
Kelly Cahill, Village Attorney
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014

43.30 **SALE OF TOBACCO** 96-O-29; Amended, 20-O-34, 19-O-15, 15-O-21, 10-O-21, 96-O-58

A. Definitions: In addition to those terms defined in Appendix A of this Code, the terms used in this Section 43.30 are defined as follows:

Bidi 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.

Electronic Cigarette Product: a device as defined by applicable State or Federal laws, rules or regulations, which device is capable of providing nicotine through vapor or inhalation.

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.

B. Purchase of Tobacco and Electronic Cigarette Products Prohibited:

1. Except for remote orders outside the Village, the sale of tobacco products by remote orders and curbside pick-ups are prohibited.
2. No person under 21 years of age shall purchase any tobacco or electronic cigarette product. No person shall sell, purchase for, distribute samples of or furnish tobacco or electronic products to any person under 21 years of age. Tobacco products may be sold through a vending machine only when such tobacco products are not sold along with non-tobacco 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 18 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 (which means that 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 products from a vending machine under direct supervision of the owner or an employee of the establishment is considered a sale of tobacco 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.
3. No person under 18 years of age shall possess any tobacco or electronic cigarette product.
4. Penalty: Any person violating any provision of this Section 43.30-B shall be fined pursuant to Appendix B of this Code and be responsible for the Village's cost of prosecution, including reasonable attorney fees.

C. Tobacco Accessories and Smoking Herbs:

1. Sale to Minors 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 Bidi Cigarettes: No person shall knowingly sell, barter, exchange, deliver or give away a bidi cigarette to another person, nor shall a person cause or permit or procure a bidi 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 43.30-C4, 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 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: 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 43.30-C2, any person who knowingly violates or shall knowingly cause the violation of any provision of this Section 43.30-C shall be guilty of a petty offense for which the offender shall

be fined pursuant to Appendix B of this Code. 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 43.30-C2 shall be guilty of a Class C misdemeanor and shall be fined pursuant to 730 ILCS 5/5-4.5-65(e). The violator shall be responsible for the Village's cost of prosecution, including reasonable attorney fees.
- c. These fines are in addition to the administrative provisions for suspension, revocation or forfeiture of a license issued pursuant to Chapter 42 of this Code. Payment of such fine shall not constitute an admission of guilt or innocence for purposes of such administrative proceedings for suspension, revocation or forfeiture.

D. Tobacco, Tobacco Accessories, Electronic Cigarette, Smoking Herbs, Alternative Nicotine Product or Liquid Nicotine Dealer's License:

- 1. License required: It shall be unlawful to sell or offer for sale at retail, to give away or keep with the intention of selling at retail, giving away or delivering tobacco products, tobacco accessories, electronic cigarettes or their components, smoking herbs, alternative nicotine products or liquid nicotine within the Village without having first obtained a tobacco dealer's license. Such license shall be in addition to any other license required by the Algonquin Municipal Code. Applications for a license shall be made in writing to the Village, signed by the applicant, if an individual, or by a duly authorized agent thereof if a group or corporation, verified by oath or affidavit. Such application shall contain the name of the applicant, the address at which such sales are to be made, in the case of cigarette vending machines, the number of machines for which licenses are to be issued and are located within the building or structure, and a statement that applicant will not violate any laws of the State, the United States or any ordinance of the Village in the conduct of his place of business.
- 2. License Period; Fee: The license period shall be from January 1 to December 31. The annual license fee shall be \$50, payable to the Village on or before January 1 of each year.
- 3. Personal Nature of License: A issuance of a tobacco dealer's license is a purely personal privilege, good for the license period, unless suspended or revoked. The Village Board may deny an application if the issuance of such a license would tend to create a law enforcement problem, result in or add to an undue concentration of licenses, or have a deleterious impact on the health, safety or welfare of the area in which

the licensed premise is to be located. No such license shall be transferrable.

4. **Displaying License:** Every licensee shall cause the license to be framed and hung in plain view in a conspicuous place on the licensed premises.
5. **Suspension or Revocation:** Violations of federal law, state statute or Village ordinance or regulation shall be sufficient cause of the revocation or suspension of any license issued under this ordinance.
6. **Responsibility for Agents and Employees:** Any act of omission constituting a violation of any provision of this Section by any officer, director, manager or other agent or employee of any licensee shall be deemed and held to be the act of such licensee and such licensee shall be punishable in the same manner as if such act or omission has been done or omitted by the licensee personally.
7. **Penalty:** Any person violating any provision of this Section 43.30-D shall be fined pursuant to Appendix B of this Code and be responsible for the Village's cost of prosecution, including reasonable attorney fees.

E. **Accountability:** All business owners of the location where a prohibited sale takes place, including individual owners and/or partners of any partnership or officers of any corporation, are accountable for their own individual violations of this Section and for the actions of their employees or agents in violation of this Section that take place while conducting business on behalf of the owner(s) and shall be subject to the penalties provided for in this Section.

B. **Definitions:** Terms used in this Section are defined in Appendix A.

C. Legislative Findings: In addition and supplemental to the findings and determinations contained in this Section, which are incorporated by reference into this Section, it is hereby found by the Village Board, acting in its legislative capacity for the purpose of regulating the conduct of appearing nude in Public Places that the acts prohibited herein encourage or create the potential for criminal activity, that actual and simulated nudity and sexual conduct, begets and has the potential for begetting undesirable and unlawful behavior; that sexual, lewd, lascivious and salacious conduct among patrons and employees within establishments results in violation of law and creates dangers to the health, safety, welfare and morals of the public and those who engage in such conduct.

D. Nudity Prohibited in Public Places: It shall be unlawful for any person to knowingly, intentionally or recklessly appear, or cause another person to appear, nude in a Public Place or in any other place which is readily visible to the public, except as provided in Section 43.32-E. It shall also be unlawful for any person or entity maintaining, owning or operating any Public Place establishment to encourage, suffer or allow any person to appear nude in such Public Place, except as provided in Section 43.32-E.

E. Exemptions: The prohibitions in Section 43.32-D shall not apply:

1. When a person appears nude in a Place Provided or Set Apart for Nudity provided (i) such person is nude for the sole purpose of performing the legal function(s) that is customarily intended to be performed within such Place Provided or Set Apart for Nudity and (ii) such person is not nude for the purpose of obtaining money or other financial gain for such person or for another person or entity, or;
2. When the conduct of being nude cannot legally be prohibited by this Section because it constitutes a part of a bona fide live communication, demonstration or performance by a person wherein such nudity is expressive conduct incidental to and necessary for the conveyance or communication of a genuine message or public expression and is not a mere guise or pretense utilized to exploit the conduct of being nude for profit or commercial gain and as such is protected by the United States or Illinois Constitution or (ii) because it is otherwise protected by the United States or Illinois Constitution.
3. A mother breast feeding her baby in any location, public or private, where the mother is otherwise authorized to be, irrespective of whether the nipple of the mother's breast is uncovered during or incidental to the breast feeding.

F. Enforcement and Penalties: Any person or entity violating any of the provisions of this Section shall be fined pursuant to Appendix B of this Code for each offense plus the cost of prosecution incurred by the Village including reasonable attorneys' fees. Each incident or separate occurrence of an act that violates this Section shall be deemed a separate offense. Continual or

repeated violations of this Section shall constitute a public nuisance and the Village may initiate proceedings to abate any such nuisance.

43.33 THEFT *05-O-68; Amended, 11-O-19, 09-O-07, 08-O-20*

A. Retail Theft: It shall be unlawful to commit the offense of retail theft of property not exceeding \$300. A person commits the offense of retail theft when such person knowingly:

1. Takes possession of, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the full retail value of such merchandise; or
2. Alters, transfers or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value affixed to any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the full retail value with the intention of depriving the merchant of the full retail value of such merchandise; or
3. Transfers any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the full retail value of such merchandise; or
4. Under-rings with the intention of depriving the merchant of the full retail value of the merchandise; or
5. Removes a shopping cart from the premises of a retail merchandise establishment without the consent of the merchant given at the time of such removal with the intention of depriving the merchant permanently of the possession, use or benefit of such cart; or
6. Represents to a merchant that such person or another is the lawful owner of property, knowing that such representation is false, and conveys or attempts to convey that property to a merchant who is the owner of the property in exchange for money, merchandise credit or other property of the merchant; or
7. Uses or possesses any theft detection shielding device or theft detection device remover with the intention of using such device to deprive the merchant permanently of the possession, use or benefit of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment without paying the full retail value of such merchandise; or

A. Smoke Free Illinois Act: The Village does hereby concur with the findings of the Illinois General Assembly in the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*) (“Act”) and adopts the Act as the Smoke Free Algonquin Act.

1. Additional definitions:

- a. Cannabis means marijuana, hashish, and other substances that are identified as including any parts of the plant *Cannabis sativa* and including derivatives or subspecies, such as *indica*, of all strains of cannabis, including tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives. Cannabis also means cannabis flower, concentrate, and cannabis-infused products.
- b. Smoke or smoking means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, cannabis, vapor products, or any other lighted smoking equipment. “Smoke” or “smoking” does not include smoking that is associated with a native recognized religious ceremony, ritual, or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a.
- c. Vapor product means any non-combustible product that employs a heating element, power source, electronic circuit, or other electronic chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or any other form. “Vapor product” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, as well as any vapor cartridge or other container that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

B. Exemptions: Notwithstanding any other provision of the Smoke Free Algonquin Act, smoking is allowed in any retail tobacco store that legally allowed smoking prior to the enactment of the Smoke Free Illinois Act (410 ILCS 82/1, *et seq.*); however, smoking cannabis is strictly prohibited. Any retail tobacco store that begins operations after the enactment of the Smoke Free Illinois Act, shall not permit smoking on its premises. Any retail tobacco store that commenced operations prior to the Smoke Free Illinois Act, and did not allow smoking on its premises, shall not allow smoking on its premises.

C. Violations: A person, corporation, partnership, association or other entity who violates the Act shall be fined as follows:

1. A person who smokes in an area where smoking is prohibited under Section 15 of the Act shall be fined in an amount that is not less than \$100 and not more than \$250.
2. A person who owns operates, or otherwise controls a public place or place of employment that violates Section 15 of the Act shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within 1 year after the first violation.

In the event such fine is not paid, the cost of collecting said fine shall be added to the fine. Collection costs shall include, but not be limited to, prosecution and attorneys’ fees. Each day that a violation occurs is a separate violation.