

Electronic Smoking Device

An electric and/or battery operated device, the use of which may resemble smoking, which can be used to deliver an inhaled dose of nicotine or other substances. Electronic Smoking Device includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, and electronic pipe, an electronic hookah, or any other product name or descriptor. An electronic smoking device excludes any product approved by the United States Food and Drug Administration as a nontobacco product used for medicinal purposes and is being marketed and sold solely for that approved purpose.

Identification Card

A written, printed or photostatic document issued by a public officer of a federal, state, county or municipal government, or subdivision or agency thereof, in the performance of his or her official duties and evidencing the age and identity of a person, including without limitation a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act, or an identification card issued to a member of the Armed Forces.

Knowingly

Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inquiry or inspection.

Legal Guardian

A person appointed guardian, or given custody, of a minor by a Circuit Court of this State, but does not include a person appointed guardian, or given custody of a minor under the Illinois Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.].

Minor

A person who has not yet reached eighteen (18) years of age.

Parent

A natural or adoptive parent or a court designated guardian.

Recklessly

Acting in a manner or under circumstances such as evince disregard of, or indifference to, consequences involving danger to the property, life or safety of others.

Smoking Herbs

All substances of plant origin and their derivatives, including but not limited to Broom, Calea, California Poppy, Damiana, Hops, Ginseng, Lobelia, Jimpson Weed and other members of the Datura Gensus, Passion Flower and Wild Lettuce, which are processed or sold primarily for the use as smoking materials.

Telecommunication Device

A device which is portable or which may be installed in a motor vehicle, boat or other means of transportation, and which is capable of receiving or transmitting speech, data, signals or other information, including but not limited to paging devices, cellular and mobile telephones, radio transmitters, transmitters and receivers, but not including radios designed to receive only standard AM and FM broadcasts.

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 whose sale, gift, barter, or exchange is made unlawful by the Illinois Compiled Statutes (720 ILCS 685 et seq.).

**Unemancipated
Minor**

A person who is above the age of 11 years, but not yet 19 years of age and still under the care and custody of at least one of his or her parents or a legal guardian.

Unsupervised

A lack of visual or oral oversight coupled with lack of sufficient proximity to obtain immediate control over the item or minor.

Willful

Proceeding from a conscious and voluntary intentional motion of the will.

11-2-2: PARENTAL RESPONSIBILITY

Presumption of Knowledge: For purposes of this section, the parent or legal guardian of an unemancipated minor residing with such parent or legal guardian shall be presumed, in the absence of evidence to the contrary, to have knowingly permitted such minor to have committed a violation of this section if:

- A. Such minor shall either be adjudicated to be in violation of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of violation of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property; and
- B. The parent or legal guardian shall have received a written notice thereof; either by certified or registered mail, return receipt requested, or by personal service, with a certification of personal service returned, from the Lincolnshire Police Department following such adjudication or non-judicial sanction; and
- C. Within one year following receipt of the notice set forth in paragraph (B) above, such minor is either adjudicated to have violated within the corporate limits of the village any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property or shall have incurred nonjudicial sanctions from another official agency resulting from an admission of guilt of a violation within the corporate limits of the village of any ordinance, law or statute prohibiting willful or malicious acts causing damage or injury to a person, animal or property.

11-2-2-1: CONTRIBUTING TO THE CRIMINAL DELINQUENCY OF A MINOR

It shall be unlawful for any person, including a parent or legal guardian, to knowingly or willfully cause, aid or encourage any minor to violate or attempt to violate any federal or state law or municipal ordinance or to knowingly or willfully act in such a manner, or attempt to act in such a manner, as to directly tend to cause a minor to violate or attempt to violate any federal or state law or municipal ordinance.

11-2-2-2: IMPROPER SUPERVISION OF MINORS

It shall be unlawful for any parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian to fail to make all reasonable, necessary and effective efforts to prevent such minor from violating any provisions of this Code. If, after written notice is given by a member of the Lincolnshire Police Department to any such parent or legal guardian of any such violation by such minor, there is a continued or repeated violation by such minor, such parent or legal guardian shall be guilty of a violation of this section unless such parent or legal guardian shall have first notified the Lincolnshire Police Department in writing of his or her inability to prevent such continued or repeated violation and shall request the Lincolnshire Police Department or the proper public authority to take the necessary legal proceedings toward having such minor declared and dealt with as a delinquent minor.

11-2-2-3: PARENTAL RESPONSIBILITY FOR VIOLATIONS BY MINORS

It shall be unlawful for any parent or legal guardian of a minor to knowingly suffer, permit or allow such minor to violate any provision of this Code.

11-2-2-4: PARENTAL RESPONSIBILITY FOR UNPAID PENALTIES

The parent or legal guardian of an un-emancipated minor who resides with such parent or legal guardian shall be liable for any fine, condition or restriction imposed by a court upon such minor for a violation of any provision of this Code, but only if (I) such minor has not paid the fine or made restitution or reparation within the time ordered by the court and (ii) said parent or legal guardian has been served with summons or notice to appear in the original cause as provided by law.

The parent or legal guardian of an unemancipated minor who resides with such parent or legal guardian is liable for actual damages for the willful or malicious acts of such minor which cause injury to a person or property, including damages caused by a minor who has been adjudicated a delinquent for violating Section 21-1.3 of the Criminal Code of 1961 or the Criminal Code of 2012. No recovery under this Section may exceed \$20,000 actual damages for each person, or legal entity, for the first act or occurrence of such willful or malicious acts by the minor causing injury, and \$30,000 if a pattern or practice of willful or malicious acts by a minor exists for a separate act or occurrence.

11-2-3: CURFEW

A. Curfew Established: It is unlawful for a person less than seventeen (17) years of age to be present at or upon any public assembly, building, place, street or highway at the following times:

- Between 12:01 A.M. and 6:00 A.M. Saturday.
- Between 12:01 A.M. and 6:00 A.M. Sunday.
- Between 11:00 P.M. on Sunday to Thursday, inclusive, and 6:00 A.M. on the following day.

B. Exceptions:

1. When a person less than seventeen (17) years of age is accompanied and supervised by a parent or legal guardian;
2. When a person less than seventeen (17) years of age is accompanied by another responsible companion at least eighteen (18) years of age, approved by a parent or legal guardian;
3. When a person less than seventeen (17) years of age is engaged in a business or occupation which the laws of this State authorize a person less than seventeen (17) years of age to perform;
4. When a person less than seventeen (17) years of age is participating in, going to or coming from a religious event; or
5. When a person less than seventeen (17) years of age is participating in, going to or coming from an activity involving the exercise of his/her rights protected under the First Amendment of the United States Constitution, or Article I, Sections 4 and 5 of the Constitution of the State of Illinois, or both, such as freedom of speech and right of assembly.

Before an officer may detain an individual for violation of the curfew ordinance, the officer must reasonably determine if an offense has occurred under the curfew ordinance, and if an assertion of First Amendment rights is offered by the person less than seventeen (17)

years of age, the officer must take reasonable steps to investigate the validity of the his/her claim.

- C. Parental Responsibility: It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his or her custody to violate any of the provisions of subsection A hereof.

11-2-3-1: SCHOOL CURFEW FOR MINORS

It shall be unlawful for any person under the age of eighteen (18) years who is enrolled in any public, private or parochial primary (k-8 grade) or secondary (9-12th grade) school to be present at or upon, or to loiter, wander, stroll or play in or upon, any street, alley, sidewalk, parkway, park, playground or other public place, or in or on any public building, place of amusement or entertainment or any vacant lot in this Village, other than school, during any hours when school is in session during the regular school term, unless he or she is:

- A. Traveling to or from school by the most direct route; or
- B. Engaged in school related activities with the written approval of school authorities or as otherwise authorized by written school policy; or
- C. Engaged in personal business, including without limitation employment, medical care and religious activities, with prior written consent from a parent, legal guardian or other adult having lawful custody or supervision of such person to school authorities; or
- D. Accompanied and supervised by a parent, legal guardian or other adult having lawful custody or supervision of such person.

11-2-3-2: TRUANCY PROHIBITED

- A. It shall be unlawful for any person enrolled in any public, private or parochial primary (k-8 grade) or secondary (9-12th grade) school within the corporate limits of the Village who is required by law to attend school and is subject to the compulsory attendance requirements of the Illinois School Code to absent himself or herself from attendance at school without parental or school permission.
- B. It shall be unlawful for any person to induce or attempt to induce any child to be absent from school in violation of this Section, or to knowingly employ or harbor, while school is in session, any child absent from school in violation of this Section.
- C. No individual shall be cited under this Section until the school has fulfilled all of the steps required for truant students as set forth in applicable State law.

11-2-4: ALCOHOLIC LIQUOR PROHIBITIONS REGARDING PERSONS UNDER TWENTY-ONE (21)

- A. Acts Prohibited: Subject to the exceptions set forth in subsection (b) below:
 - 1. It shall be unlawful for any person to sell, give, deliver, dispense or furnish alcoholic liquor to any person under the age of twenty-one (21) years.
 - 2. It shall be unlawful for any person, after purchasing or otherwise obtaining alcoholic liquor, to sell, give, deliver, dispense or furnish such alcoholic liquor to any person under the age of twenty-one (21) years.

3. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, obtain, receive, accept, have in his or her possession or control, sell, give, deliver, mix, dispense, serve, furnish or consume alcoholic liquor.
4. It shall be unlawful for any person under the age of twenty-one (21) years to misrepresent his or her age to circumvent the provisions of this chapter, including without limitation presenting or offering to any person any identification card that is false, fraudulent, forged or not actually his or her own.
5. It shall be unlawful for any person under the age of twenty-one (21) years to possess or use any identification card that is false, fraudulent, forged or the identification card of another or to obtain an identification card by means of false information.
6. It shall be unlawful for any person to sell, give, deliver or furnish to any person under the age of twenty-one (21) years any identification card that is false, fraudulent, forged, or of another person.
7. It shall be unlawful for any person to forge, alter or deface any identification card.
8. It shall be unlawful for any retail liquor dealer's licensee, or any officer, associate, member, representative, agent or employee of such licensee, to suffer, permit or allow any person under the age of twenty-one (21) years to be or remain on such licensee's licensed premises, or in any room or compartment adjoining or adjacent to such licensed premises.
9. It shall be unlawful for any owner of, or other person having control over, any vehicle or premises to knowingly initiate, suffer, permit or allow one (1) or more occupants, invitees, visitors, guests, trespassers or other persons under the age of twenty-one (21) years to assemble or be assembled in such vehicle or premises in possession of any alcoholic liquor in violation of this section.
10. It shall be unlawful for any person to rent, or pay for, any hotel, motel or bed and breakfast room or facility from the proprietor or agent thereof for the purpose of, or with knowledge that, such room or facility shall be used for consumption of alcoholic liquor by any person under the age of twenty-one (21) years.
11. It shall be unlawful for any parent or legal guardian of a minor to knowingly suffer, permit or allow such minor to violate any provision of this chapter.

B. Exceptions:

1. The possession, mixing, dispensing and serving, or consumption of alcoholic liquor by a person under the age of twenty-one (21) years in the performance of a bona fide religious service or ceremony is not prohibited by this Code.
2. The possession, mixing, dispensing and serving, or consumption of alcoholic liquor by a person under the age of twenty-one (21) years under the direct supervision and approval of a parent or legal guardian in the privacy of such parent's or legal guardian's residence is not prohibited by this Code; provided, however, that his exception shall not be extended to any other occupant, invitee, visitor or guest that is under the age of twenty-one (21) years.
3. The possession and serving of alcoholic liquor by a person under the age of twenty-one (21) years as an employee of any licensee under this Code in such licensee's licensed premises is not prohibited by this Code; provided, however, that this exception shall not

extend to those persons under the age of nineteen (19) years nor shall this exception extend to the mixing or dispensing of alcoholic liquor, or to bartending, by any person under the age of twenty-one (21) years.

4. The possession and delivery of any alcoholic liquor in its original package and not for consumption on the premises where sold by a person under the age of twenty-one (21) years as an employee of any licensee under this chapter or pursuant to the order of his or her parent or legal guardian is not prohibited by this Code.
5. The location or assembly of any person under the age of twenty-one (21) years in any retail premises licensed under this chapter or in any room or compartment adjoining or adjacent to any such licensed premises is not prohibited by this Code if such person is accompanied by his or her parent or legal guardian; or if such licensed premises derives its principal business from the sale or service of commodities other than alcoholic liquor; or if such person under the age of twenty-one (21) years is an employee of any licensee under this chapter in such licensee's licensed premises whose duties do not include the mixing or dispensing of alcoholic liquor or bartending and, if under the age of nineteen (19) years, whose duties do not include the handling or serving of alcoholic liquors.
6. The action or omission to act of any person at the express lawful, or apparently lawful, direction of a law enforcement officer in the performance of his or her official duties is not prohibited by this Code.

C. Presumption of Knowledge:

1. Presence in Vehicle or Premises: Whenever a person is present within any vehicle or premises of which such person is the owner, lessee, permittee, bailee, legal possessor or occupier thereof at the time that a violation of the provisions of this section is occurring and has not informed the police thereof, it shall be prima facia evidence that such person had knowledge of such violation.
2. Failure to Control Access: An owner, lessee, permittee, bailee, legal possessor or occupant of any vehicle or premises shall be deemed to have permitted such vehicle or premises to be used in violation of this section if he or she knowingly authorizes such use or enables such use to occur by failing to control access to such vehicle or premises or to the alcoholic liquor maintained therein.
3. Parental Residence: Every parent or legal guardian of any minor whose residence is used by any occupant, invitee, visitor, guest or other person under the age of twenty-one (21) years in a manner that constitutes a violation of this section shall be presumed to have permitted the conduct that constitutes the violation unless the contrary is established by a preponderance of the evidence.

D. Reliance on Identification Card: Proof that any person demanded, was shown and reasonably relied upon an identification card evidencing the identity of a person and that such person is of lawful age in any transaction prohibited by this section is an affirmative defense in any criminal prosecution therefore, in any prosecution for a violation of this section, or in any proceedings for the suspension or revocation of any license, or the imposition of any fine or penalty based thereon; provided, however, that it shall not be an affirmative defense if such person accepted the identification card knowing it to be false, fraudulent, forged or the identification card of another person.

11-2-5

UNLAWFUL TRANSFER OF A TELECOMMUNICATION DEVICE TO A MINOR

A person commits unlawful transfer of a Telecommunication Device to a minor when he gives, sells or otherwise transfers possession of a Telecommunication Device to a person under (18) years of age with the intent that the Telecommunication Device be used to commit any offense under this Act, the Illinois Controlled Substances Act [720 ILCS 570 et. seq.] or the Cannabis Control Act [720 ILCS 550 et seq.]. Each Telecommunication Device so transferred shall constitute a separate offense.

11-2-6:

SALE OR POSSESSION OF TOBACCO BY UNDER-AGED PERSONS PROHIBITED

- A. No individual under twenty-one (21) years of age shall buy any cigar, cigarette, pipe, smokeless tobacco or tobacco in any of its forms, any product containing nicotine, or an electronic smoking device within the corporate limits of the village.
- B. No individual under eighteen (18) years of age shall possess any cigar, cigarette, pipe, smokeless tobacco or tobacco in any of its forms, any product containing nicotine, or an electronic smoking device within the corporate limits of the village.
- C. No person shall sell, buy for, distribute samples of or furnish any cigar, cigarette, pipe, smokeless tobacco or tobacco in any of its forms, any product containing nicotine, or an electronic smoking device, to any person under twenty-one (21) years of age within the corporate limits of the village.
- D. The foregoing prohibition shall not apply when a person under twenty-one (21) years of age is directed to use, under the supervision of a doctor, any product approved by the United States Food and Drug Administration as a nontobacco product used for medicinal purposes and is being marketed and sold solely for that approved purpose.
(Amd. Ord. 16-3404-131, eff. 07/01/16, Ord. 17-3747-175, eff. 06/12/17)

11-2-6-1:

SALE OR POSSESSION OF TOBACCO ACCESSORIES AND SMOKING HERBS BY PERSONS UNDER TWENTY-ONE (21) PROHIBITED

- A. Sale to persons under twenty-one (21) years of age: No person shall knowingly sell, barter, exchange, deliver or give away or cause or permit or procure to be sold, barter, exchanged, delivered or given away any product containing nicotine, an electronic smoking device, tobacco accessories or smoking herbs to any person under twenty-one (21) years of age. No person under eighteen (18) years of age shall possess any product containing nicotine, an electronic smoking device, tobacco accessories or smoking herbs within the corporate limits of the Village.
- B. 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 to any person under twenty-one (21) years of age.
- C. Sales From Vending Machine: No person shall knowingly offer, sell, barter, exchange, deliver or give away cigarette paper or any product capable of being used by an electronic smoking device or cause, permit, or procure cigarette paper or any product capable of being used by an electronic smoking device to be sold, offered, bartered, exchanged, delivered, or given away by use of a vending or coin-operated machine or device to any person under twenty-one (21) years of age.
- D. Use of Identification Card: No person under twenty-one (21) years of age in furtherance or facilitation of obtaining a product containing nicotine, an electronic smoking device, smoking accessories and smoking herbs shall display or use a false or forged identification card or transfer, alter or deface an identification card.

- E. Warning Notice: Any person, firm, partnership, company or corporation operating a place of business where a product containing nicotine, an electronic smoking device, tobacco accessories and smoking herbs are sold or offered for sale shall post in a conspicuous place upon the premises a sign upon which there shall be imprinted the following statement: "SALE OF ELECTRONIC SMOKING DEVICES, TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER TWENTY-ONE 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.
(Amd. Ord. 16-3404-131, eff. 07/01/16; Ord. 17-3747-175, eff. 06/12/17)

11-2-7: SALE OR POSSESSION OF CANNABIS AND CANNABIS-INFUSED PRODUCTS BY PERSONS UNDER TWENTY-ONE (21) PROHIBITED

- A. It shall be unlawful for any person under the age of twenty-one (21) years to purchase, obtain, receive, accept, have in his or her possession or control, sell, give, deliver, dispense, serve, furnish or consume cannabis or cannabis-infused products or drug paraphernalia.
- B. It shall be unlawful for any person to sell, give, deliver, dispense or furnish cannabis or cannabis-infused products or drug paraphernalia to any person under the age of twenty-one (21) years.
- C. No person under twenty-one (21) years of age in furtherance or facilitation of obtaining cannabis or cannabis-infused products or drug paraphernalia shall display or use a false or forged identification card or transfer, alter or deface an identification card.
- D. The prohibitions prescribed in paragraphs (A) and (B) above shall not apply to the extent such conduct is permitted by the Compassionate Use of Medical Cannabis Program Act and the minor can present evidence of compliance with the requirements of such Act.

11-2-8: PENALTY

Any person violating any provisions of this Chapter shall be subject to the fine set forth in the Comprehensive Fine/Penalty Schedule of the Code described in Title 1, Chapter 17.