

Chapter 11

HEALTH *

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ARTICLE 1. TOBACCO PRODUCTS

Sec. 11-1 Definitions.

- (a) As used in this Article, the term “tobacco products” means any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- (b) As used in this Article, “person” means any natural person, corporation, partnership or other entity.
- (c) As used in this Article, “minor” means any natural person under the age of 18. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-2 Prohibited sales, delivery – signs.

- (a) It shall be unlawful for any person to sell, offer for sale, give away, offer to give away, deliver or offer to deliver tobacco products to a minor within the corporate limits of the Village.
- (b) Signs informing the public of the age restrictions provided for in this Article shall be posted on every premises in the Village of Fox River Grove where tobacco products are sold and on every vending machine in the Village which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

**VILLAGE OF FOX RIVER GROVE ORDINANCE PROHIBITS
THE PURCHASE OR POSSESSION OF TOBACCO PRODUCTS
BY PERSONS UNDER 18 YEARS OF AGE.**

* Cross references--Sanitation requirements for premises used for sale of alcoholic liquor, Sec. 3-45; animals, Sec. 5-1 et seq.; sanitation requirements for housing animals and poultry, Sec. 5-12; food and handlers generally, Sec. 9-1 et seq.; garbage and trash, Sec. 10-1 et seq.

State law references--Health powers of Village generally, 65 ILCS 5/11-16-1 et seq.; authority of Village to promulgate health regulations, 65 ILCS 5/11-20-5

Each such sign shall be in red letters on a white background, with each letter on the sign to be at least one inch high. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-3 Minimum age to sell tobacco products.

It shall be unlawful for any minor to sell tobacco products within the corporate limits of the Village of Fox River Grove. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-4 Purchase by minors prohibited.

It shall be unlawful for any minor to purchase tobacco products within the corporate limits of the Village of Fox River Grove or to misrepresent their identity or age or to use any false or altered identification for the purpose of purchasing tobacco products within the corporate limits of the Village of Fox River Grove. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-5 Possession by minors prohibited.

It shall be unlawful for a minor to possess any tobacco products within the corporate limits of the Village of Fox River Grove; provided that the possession of a tobacco product by a minor under the direct supervision of a parent or guardian of such person and in the privacy of the parent's or guardian's residence shall not be prohibited. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-6 Gift of tobacco products.

No person, after purchasing or otherwise obtaining tobacco products, shall sell, give or deliver such tobacco products to a minor within the corporate limits of the Village of Fox River Grove, provided that the gift of a tobacco product to a minor made under direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-7 Certain free distributions prohibited.

It shall be unlawful for any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such person, in the course of such person's business, to distribute, give away or deliver tobacco products free of charge to any natural person on any public right of way within the Village of Fox River Grove or on any property owned by the Village of Fox River Grove, including but not limited to parks. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-8 Sales prohibited near schools.

It shall be unlawful for any person to sell tobacco products or offer tobacco products for sale within

one hundred (100) feet of a school. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-9 Responsibility for acts of employees and agents.

Any act which violates a provision of this Article committed by the agent or employee of a person, shall be deemed and held to be the act of such person and such person shall be subject to the same penalties in the same manner as if such violation had been committed directly or personally by such person. (Ord. 2003-28, Sec. 1, 7-17-03)

Sec. 11-10 Fines for violations.

Any person who violates any of the terms or provisions of this Article shall, upon conviction, be subject to a fine of not less than two hundred fifty (\$250.00) dollars, nor more than seven hundred fifty (\$750.00) dollars for each offense. (Ord. No. 2003-28, Sec. 1, 7-17-03, Ord. No. 07-10, Sec. 8, 4-19-07)

Sec. 11-11 Suspension and revocation of right to sell tobacco products.

- (a) The Village President of the Village of Fox River Grove shall be authorized to suspend for up to ninety (90) days the right of any person to sell and distribute tobacco products on premises where a violation of this Article occurred. During the period that the right to sell and distribute tobacco products is suspended on any premises, the owner and occupant and agents or employees of the owner or occupant of the premises shall not engage in the sale or distribution of tobacco products.
- (b) The Village President shall not issue an order suspending the right of a person to sell and distribute tobacco products pursuant to this Section 11-11 unless the Village President, or a hearing officer designated by the Village President, has first conducted a hearing to determine if a violation of this Ordinance has occurred in connection with the premises. The Village President, hearing officer or a designee shall give notice of the hearing to the person whose right to sell and distribute tobacco products may be suspended, not less than seven (7) days prior to the date of the hearing, at such person's last known address as shown on the records of the Village. Such notice shall advise the person whose right to sell and deliver tobacco products of the date, time and place of the hearing and shall state that such person may appear at the hearing and present testimony or other evidence as to why the alleged violation of this Ordinance did not occur. The person whose right to sell and distribute tobacco products may be suspended shall be entitled to be represented at the hearing by an attorney.
- (c) Any person who continues to sell or distribute tobacco products on the premises where the right to sell and distribute tobacco products has been suspended, shall be subject to a fine of not less than seven hundred fifty (\$750.00) dollars, nor more than two thousand five hundred

(\$2,500.00) dollars for each offense. Each day or part thereof that tobacco products are sold or distributed on premises on which the right to sell or distribute tobacco products has been suspended pursuant to this Section 11-11 shall constitute a separate offense. (Ord. 2003-28, Sec. 1, 7-17-03)

Secs. 11-12--11-15. Reserved.

ARTICLE II. SYNTHETIC ALTERNATIVE DRUGS

Sec. 11-16 Possession/Use of Synthetic Alternative Drugs Prohibited:

(a) **Definitions:** For purposes of this Section, the following terms are defined as follows:

1. A product containing a synthetic alternative drug. A product containing synthetic alternative drug means any product containing a synthetic cannabinoid, stimulant or psychedelic hallucinogen, as those terms are defined herein such as, but not limited to, the examples of brand names or identifiers listed on Exhibit A attached thereto and incorporated herein.
2. Synthetic cannabinoid. Synthetic cannabinoid means any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material compound, mixture, preparation, substance and their analog (including isomers, esters, ethers, salts, and salts of isomers) containing a cannabinoid receptor agonist, such as:

JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole)
 JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1 naphthalenylmethanone
 JWH-018 (1-pentyl-3-(1-naphthoyl)indole)
 JWH-019 (1-hexyl-3-(naphthalene-1-oyl)indole)
 JWH-073 (naphthalene-1-yl-(1-butylyndol-3-yl)methanone)
 JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylyndol-3-yl)methanone)
 JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2methylyndol-3-yl)methanone)
 JWH-122 (1-Pentyl-3-(4 methyl-1-naphthoyl)indole)
 JWH-164 (7-methoxynaphthalen-1yl-(1-pentylyndol-3-7l)methanone
 JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone
 JWH-203 (2-(chlorophenyl)-1-1-pentylyndol-3-yl)ethanone
 JWH-210 (4-ethylnaphthalen-1-yl-1-pentylyndol-3-yl(methanone)
 JWH-251 (1-penyl-3-(2-methylphenylacetyl)indole)
 JWH-398 (1-penyl-3-(4-cloro-1-naphthoyl)indole)
 HU-210 (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7, 10,10a-tetrahydrobenzo [c]chromen-1-ol

U-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl)methanol)
 HU-331 ((3-hydroxy-2-[1R,6R]-3-methyl-6-(1-methylethenyl)cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,7-dione)
 CP 55,940 (2-[1R,2R,5R]-5-hydroxy-2-(3-hydroxypropyl) (cyclohexyl[5-(2-methyloctan-2-yl)phenol)
 WIN 55,212-2 (R-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de)-1,4-benzoxazin-6-7l]-1-nepthalenylmethanone)
 RCS-4 ((4-methoxyphenyl)(1-pentyl-1-H-indol-3-7l)methanone)
 RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone)

3. Synthetic stimulant. Synthetic stimulant means any compound that mimics the effects of any federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quality of a natural or synthetic materials, compound, mixture, preparation, substance and their analog (including salts, isomers, and salts of isomers) containing substances which have a stimulant effect on the nervous system, such as:

3-Fluoromethcathinone
 4-Fluoromethcathinone (other name, fledphedrone)
 3,4-Methylenedioxy-methcathinone (other name, methylone, MDMC)
 3,4-Methylenedioxy-pyrovalerone (other name, MDPV)
 4-Methylmethcathinone (other names, mephedrone, 4-MMC)
 4-Methoxymethcathinone (other names, Methedrone, bk-PMMA, PMMC)
 4-Ethylmethcathinone (other name, 4-EMC)
 Ethcathinone
 Beta-keto=N-methylbenzodioxolylpropylamine (other names, butylone, bk-MBDB)
 Napthylpyrovalerone (other names, naphyrone, NRG-1)
 N,N-dimethylcathinone (other name, metamfepramone)
 Alpha-pyrrolidinopropiophenone (other name, alpha-PPP)
 4-methoxy-alpha-pyrrolidinopropiophenone (other name, MOPPP)
 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name, MDPPP)
 Alpha-pyrrolidinovalerophenone (other name, alpha-PVP)
 6,7-kihydro-5H-indeno(5,6-d)-1-3-dioxal-6-amine) (other name, MDAI)
 Any compound that is structurally derived from 2-amino-1-phenyl-1-propananone by modification or substitution in any of the following ways:

In the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substitutes, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
 At a 3-position with an alkyl substituent;

At the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups
Or by inclusion of the nitrogen atom in a cyclic structure.

4. Synthetic psychedelic/hallucinogen means any compound that mimics the effects of any federally controlled Schedule 1 substance, including, but not limited to, any quality of a natural or synthetic material, compound, mixture, preparation, substance and their analog (including salts, isomers, esters, ethers of salts of isomers) containing substances which have a psychedelic/hallucinogenic effect on the central nervous system and/or brain, such as:

2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);
2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C)
2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I);
2-(4-Ethylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-2);
2-(4-Isopropylthio)-2,5-dimethoxyphenyl) ethanamine (2C-T-4);
2-(2,5-Dimethoxyphenyl) ethanamine (2C-H);
2-(2-5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N);
2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).

- (b) **Sale or Delivery:** It shall be unlawful for any person to sell, offer for sale or deliver any product containing a synthetic alternative drug, synthetic cannabinoid, synthetic stimulant, or synthetic psychedelic/hallucinogen, whether or not such substance is labeled for human consumption.
- (c) **Possession:** It shall be unlawful for any person to knowingly possess a product containing a synthetic alternative drug, synthetic cannabinoid, synthetic stimulant, or synthetic psychedelic/hallucinogen, whether or not such substance is labeled for human consumption.
- (d) **Use:** It shall be unlawful for any person to be under the influence of a synthetic cannabinoid, stimulant, or psychedelic/hallucinogen.
- (e) **Penalties:** Any person who violates any provision of this Section shall be fined not less than five hundred (\$500) dollars or more than seven hundred fifty (\$750) dollars. Each violation of this Section, or every day a violation continues to exist, shall constitute a new and separate violation
- (f) In addition to the penalty noted above, and upon a violation of this Article: (1) a retailer's ability to sell tobacco may be suspended pursuant to Section 11-11 of the Village's Code of Ordinances; and/or (2) the retailer's business license may be revoked or suspended pursuant to Section 12-38 of the Village's Code of Ordinances.

- (g) **Revocation, Suspension or Fine:** In addition to the penalty noted above, a retailer's license to sell tobacco may be revoked or suspended or a fine imposed by the Commissioner for the violation of any part or portion of this Section. (Ord. No. 12-38, No. 2, 12-20-12)

Sec. 11-17--11-29. Reserved.

ARTICLE III. CONTAGIOUS DISEASES**

Sec. 11-30. Authority of Board of Trustees in regard to prevention of spread of contagious disease.

The Board of Trustees is hereby authorized to make such rules as may be necessary regarding quarantine and vaccination, for the prevention of the spread of contagious diseases, and to quarantine premises where such diseases occur for such time as may be necessary to protect public health. (Code 1958, Sec. 17.104)

Sec. 11-31. Superintendent of Building and Zoning to enforce quarantine rules; place premises under quarantine.

The Superintendent of Building and Zoning shall have charge of the enforcement of the quarantine rules promulgated by the Board of Trustees. He shall have the power and the authority to place any premises within which a contagious or epidemic disease occurs under quarantine, and the Superintendent of Building and Zoning shall determine the time when the quarantine ends. (94-12, Sec. 5, 3-17-94)

Sec. 11-32. Deliveries to quarantined premises.

No person engaged in the delivery of food or drink intended for human consumption shall enter any premises which are quarantined because of the existence of a contagious or epidemic disease. (Code 1958, Sec. 17.105)

Sec. 11-33. Removal and sterilization of containers on quarantined premises.

No containers or bottles shall be removed from any quarantined premises until the termination of the quarantine and no such container, which has been left at such premises during the quarantine, shall be placed in use for carrying food or drink until it has been thoroughly sterilized. (Code 1958, Sec. 17.105)

Sec. 11-34. Spreading contagious disease.

It shall be unlawful for any person to spread, willfully or carelessly, any contagious disease or to so cause the spread of the same. (Code 1958, Sec. 17.104)

**State law reference—Authority of Village to suppress diseases, 65 ILCS 5/11-20-4

Sec. 11-35. Violations.

Any person violating any provision of this article or violating any of the reasonable rules of the Superintendent of Building and Zoning with regard to quarantined premises, or disturbing or disregarding any notice of quarantine placed by or under the direction of the Superintendent of Building and Zoning, or disobeying any order of the Board of Trustees shall be subject to the penalty prescribed in Sec. 1-8. (94-12, Sec. 5, 3-17-94)

Sec. 11-36. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance or the application thereof to any person or circumstance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance or the application of such portion to other person or circumstances. (Ord. 2003-28, Sec. 2, 7-17-03)

Secs. 11-37 -- 11-99. Reserved.

ARTICLE IV. POSSESSION OF CANNABIS / DRUG PARAPHERNALIA.

Sec. 11-100. Definitions.

A. As used in this article, cannabis shall have the meaning ascribed in the Illinois Cannabis Controls Act, 720 ILCS 550/3(a).

B. As used in this article, Drug Paraphernalia shall have the meaning ascribed in the Illinois Drug Paraphernalia Control Act, 720 ILCS 600/2.

Sec. 11-101. Unlawful possession of cannabis.

A person commits unlawful possession of cannabis if he/she, while in the Village, has in his/her possession not more than 30 grams of any substance containing cannabis.¹

Sec. 11-102. Unlawful possession of drug paraphernalia.

A person commits unlawful possession of drug paraphernalia if he/she, while in the Village, has in his/her possession any cannabis pipe, hashish pipe or any other item of drug paraphernalia while also in possession of a substance containing cannabis.

¹ Possessing quantities greater than 30 grams shall be prosecuted under state law.

Sec. 11-103. Penalty.

Any person convicted of a violation of any section in this article shall be fined as set forth in Section 13-96 of the Code of Ordinances of the Village of Fox River Grove. Each violation shall be considered a separate offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Sec. 11-104. Prepayment of penalties.

Civil law violations set forth in this article may be satisfied without a court appearance by admitting to the violation and payment of the fine issued pursuant to Section 13-96, provided that such payment is made prior to the date on which such violation is scheduled for adjudication.

Sec. 11-105. Defenses.

Any defenses available under 720 ILCS 550/11 and 410 ILCS 130/25 shall also be available as a defense to any violation charged under this article. (Ord. 2017-17, Sec. 1, 10-19-17)