
**THE VILLAGE OF HOMER GLEN
WILL COUNTY, ILLINOIS**

**ORDINANCE
NUMBER 25-026**

**AN ORDINANCE PROHIBITING THE SALE AND USE OF
NITROUS OXIDE FOR RECREATIONAL PURPOSES IN
THE VILLAGE OF HOMER GLEN**

**CHRISTINA NEITZKE-TROIKE, Village President
CANDICE BIELSKI, Village Clerk**

**Village Trustees
MIKE LEPORE
CURTIS MASON
NICHOLAS MULLER
ROSE REYNDERS
SUSANNA STEILEN**

AN ORDINANCE PROHIBITING THE SALE AND USE OF NITROUS OXIDE FOR RECREATIONAL PURPOSES

WHEREAS, the Village of Homer Glen, Will County, Illinois (the “Village”) is a home rule municipality pursuant to Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs (the “Home Rule Powers”); and,

WHEREAS, the Village is committed to protecting the health, safety and welfare of individuals residing in and visiting the Village; and

WHEREAS, the Village has become aware of instances where local businesses are selling nitrous oxide for recreational drug use and individuals are purchasing and using said nitrous oxide in a manner inconsistent with the laws of Illinois: and

WHEREAS, the selling of nitrous oxide for recreational drug use and individuals purchasing and using nitrous oxide in a manner inconsistent with the laws of Illinois poses a significant threat to the health, safety, and welfare of those individuals;

WHEREAS, the Corporate Authorities have determined that the health, welfare and safety of the Village, is jeopardized by allowing businesses which solely sell tobacco and liquor products; and

WHEREAS, the Corporate Authorities have determined that it is necessary, expedient, and in the best interests of the health, safety, and welfare of the Village and its citizens to prohibit the sale of nitrous oxide at businesses which primarily sell tobacco and liquor products and to prohibit the recreational drug usage of nitrous oxide as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Village Board of Trustees of the Village of Homer Glen, Will County, Illinois, by and through its Home Rule Powers, as follows:

Section 1. Incorporation of Recitals. That the recitals and findings set forth above are incorporated herein by reference the same as if they were fully set forth herein verbatim and they are adopted as the findings of the Board of Trustees of the Village of Homer Glen.

Section 2: Definitions. For the purpose of this ordinance, the following words and phrases shall have the meanings listed below;

Nitrous Oxide. A colorless, non-flammable gas, used as an anesthetic and in aerosols, Nitrous Oxide also refers to any of the following substances; dinitrogen monoxide, dinitrogen oxide, nitrogen oxide, or laughing gas.

Nitrous Oxide Cartridge. Any cartridge of compressed nitrous oxide tied to the illegal usage of nitrous oxide. Nitrous Oxide Cartridge includes but is not limited to the following definitions:

- (A) Cylinders, balloons, and other containers used, intended for use, or designed for use in packaging nitrous oxide.
- (B) Containers and other objects used, intended for use, or designed for use in storing or concealing nitrous oxide.
- (C) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing nitrous oxide into the human body.

Section 3. Sale and Distribution Prohibited.

- (A) It shall be unlawful for any person, firm, corporation or association to sell, offer for sale, distribute or give away any Nitrous oxide cartridge, balloon or other container; except that, the forgoing provision shall not apply to wholesalers and manufactures who use nitrous oxide in the normal course of their business to manufacture other lawful items.
- (B) It shall be unlawful for any business to sell, offer for sale, distribute or give away any nitrous oxide cartridge, balloon or other container for the recreational usage of nitrous oxide in a manner inconsistent with the laws of Illinois.

Section 4. Usage Prohibited. It shall be unlawful for any person to inhale or otherwise introduce into his or her respiratory system nitrous oxide, except under the direct care and supervision of a licensed physician or dentist.

Section 5. Penalties for Violations.

- (A) Any person or business who violates this ordinance shall be subject to a maximum fine of \$500.00
- (B) Any person or business who violates this ordinance for a second or subsequent time is subject to a revocation of their business license.

Section 3. Severability. The various portions of this Ordinance are hereby expressly declared to be severable, and the invalidity of any such portion of this Ordinance shall not affect the validity of any other portions of this Ordinance, which shall be enforced to the fullest extent possible.

Section 4. Repealer. All Ordinances or portions of Ordinances previously passed or adopted by the Village of Homer Glen that conflict with or are inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval.

Adopted this 14th Day of May, 2025 pursuant to a roll call vote as follows:

	<u>YES</u>	NO	ABSENT	PRESENT
Lepore	X			
Mason	X			
Muller	X			
Reynders	X			
Steilen	X			
Neitzke-Troiike (Village President)				
TOTAL	5			

APPROVED by the Village President on May 14, 2025



Christina Neitzke-Troiike
Village President

ATTEST:


Candice Bielski
Village Clerk