

COUNCIL BILL NO. 2006-138

AN ORDINANCE

AMENDING CHAPTER 16 OF THE
CHAMPAIGN MUNICIPAL CODE, 1985, AS AMENDED, BY THE ADDITION OF
ARTICLE II ENTITLED "SMOKING REGULATIONS"
(Health and Sanitation – Smoking Regulations)

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHAMPAIGN,
ILLINOIS, as follows:

Section 1. That Chapter 16 of the Champaign Municipal Code, 1985, as amended, is hereby amended by the addition of Article II, which shall read as follows:

"Article II. Smoking Regulations.

Sec. 16-5. This article shall be known as the Champaign Clean Indoor Air Ordinance.

Sec. 16-6. Definitions. The following words and phrases used in this article shall have the following meanings:

"Bar/Tavern" means an establishment whose primary function is the serving of alcoholic beverages for consumption by patrons on the premises and is in the possession of a Class A Liquor License; such business may or may not provide food service.

"Bowling Center" means an establishment whose primary function is having lanes used for the game of bowling.

"Enclosed spaces" means all space in any structure, or portion thereof, located between a floor and ceiling that is substantially totally enclosed on all sides by walls, windows, doorways or combinations thereof that extend from the floor to the ceiling.

"Food Service Establishment" shall have the same meaning as set forth in Section 14-21.

"Health care facility" means an office or institution providing care or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. This definition shall

include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

"Private club" means an incorporated organization which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

"Public place" means any enclosed area to which the public is invited or in which the public is permitted.

"Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

"Smoke or Smoking" means inhaling, exhaling, burning or carrying any lighted or burning cigarette, cigar, pipe, hookah pipe, pipe weed, or other lighted tobacco product in any manner or in any form.

"Smoking Paraphernalia" means ash trays or similar containers intended for the deposit of tobacco ash, cigarettes, cigars or other tobacco products.

"Tobacco" means any substance containing tobacco leaf, including but not limited to, any cigar, cigarette, leaf tobacco, pipe tobacco, or tobacco in any of its forms.

Sec. 16-7. Prohibition of Smoking. No person shall smoke within enclosed spaces containing the following public places within the City of Champaign:

1. Establishments required to be licensed, on an annual basis, for the sale of alcoholic beverages.
2. Food service establishments
3. Galleries, Libraries and Museums
4. Health care facilities

5. Motion picture theaters, opera houses, concert halls
6. Lecture halls or rooms, auditoriums and assembly halls
7. Day care centers, nursery schools, elementary schools, high schools, community colleges, technical training establishments, specialty schools, colleges and universities.
8. Polling places
9. Restrooms
10. Places where public meetings are held
11. Gymnasiums
12. Within areas where merchandise is exposed in storage warehouses.
13. Grocery stores, retail stores, and supermarkets.
14. Within the exposition seating areas, or under the stages or in dressing rooms of theaters.
15. Within any vehicle used by the Champaign-Urbana Mass Transit District for public transportation.
16. Bowling centers

Sec. 16-8. Exemptions-Where smoking is not regulated.

Notwithstanding any other provision of this article to the contrary, it shall not be a violation of this article to smoke or permit smoking in the following places:

1. Outdoor service areas of all the following: licensed food service establishments; establishments holding licenses for the sale of alcoholic liquor; or private clubs.
2. Outdoor cafes licensed under Chapter 30 of the Champaign Municipal Code.
3. Retail tobacco shops, provided that smoke from these places does not infiltrate into areas where smoking is

prohibited under the provisions of any section of the Champaign Clean Indoor Air Ordinance.

4. Smoking by a cast member as part of a performance in a theatrical production
5. Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms; provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into non-smoking rooms or other areas where smoking is prohibited under the provisions of this article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms and in any case may not exceed 20 percent of available rooms
6. Private vehicles, not including public transportation facilities or government vehicles
7. Private residences or dwelling places except when used as a licensed child care, adult care facility, health care facility, or any other home-based business open to the public.
8. Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted.
9. Smoking as part of a bona fide religious ceremony.
10. Smoking in a health care facility if such smoking is part of any therapeutic treatment plan required by the health care provider.

Sec. 16-9. Obligation of Employers and Owners.

- A. No employer, owner, occupant or lessee, as the case may be, in control of a public place shall knowingly permit smoking in any enclosed space as delineated in Section 16-7.
- B. Each employer, owner, occupant or lessee, as the case may be, in control of a place where smoking is prohibited under Section 16-7 shall request any person who smokes in an area where smoking is prohibited to refrain from smoking, and if the person continues to smoke, request the person to leave and use other means which may be appropriate to obtain compliance.

- C. Each employer, owner, occupant or lessee, as the case may be, in control of a place where smoking is prohibited under Section 16-7 shall notify employees regarding the requirements of this article

Sec. 16-10 Posting and Removing Smoking Paraphernalia.

Each owner, lessee, occupant, employer or other person in control of a place where smoking is prohibited under Section 16-7 shall be responsible to do the following:

- A. Post conspicuous signs in the enclosed spaces and the entrance or vestibule to the public place, place of employment or the building wherein they are located where smoking is prohibited under Section 16-17, bearing the text "No Smoking" or the international "No Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it.
- B. Remove smoking paraphernalia from areas where smoking is prohibited.
- C. Each employer, owner, occupant or lessee, as the case may be, in control of a public place shall notify employees regarding the requirements of this article

Sec. 16-11. Declaration of Establishments as Non-smoking.

Notwithstanding any other provision of the Champaign Clean Indoor Air Ordinance, any owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate any area of said public place or place of employment, including outdoor areas, as an area where smoking is also prohibited provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in Section 16-10 (A) of this article.

Sec. 16-12. Enforcement.

1. Notice of the provisions of this article shall be given to all applicants for a business license in the City of Champaign.
2. Any citizen who desires to register a complaint under this article may notify the Champaign-Urbana Public Health District or the Champaign Police Department of the facts surrounding the complaint
3. The Fire Department and Neighborhood Services Department, may, while an establishment is undergoing

otherwise mandated inspections, inspect for compliance with this article.

4. An employer, owner, lessee, manager, operator, or employee of an establishment regulated by this article shall inform persons violating this article of the appropriate provisions thereof.

Sec. 16-13. Non-retaliation; non-waiver of rights.

1. No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, or customer because that employee, applicant, or customer exercises any rights afforded by this article or reports or attempts to prosecute a violation of this article.
2. An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Sec. 16-14. Violations of Article II of Chapter 16 as amended herein shall be subject to the general penalty provisions of Section 1-21 of the Champaign Municipal Code with minimum fines provided for by Table I of Chapter 1."

Section 2. That Table 1 of Chapter 1 of the Champaign Municipal Code is amended by the addition of the following minimum fine:

<i>Section/Chapter</i>	<i>Title</i>	<i>Minimum fine</i>
16	Health and Sanitary	\$145
16-7	Smoking Prohibited	\$145
16-9	Obligations of Employers and Owners	\$195
16-10	Posting and Removing Smoking Paraphernalia	\$195

Section 3. If any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances shall be held valid, that invalidity shall not affect the other provisions of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

Section 4. This ordinance will take effect, if at all, on the later of August 1, 2006, or 30 days after the effective date of an ordinance in the City of Urbana, if such an Urbana ordinance is not effective until after August 1, 2006, prohibiting smoking in food service establishments and licensed liquor establishments. The City Manager shall certify to the Champaign City Clerk the date upon such City Ordinance in Urbana is effective.

COUNCIL BILL NO. 2006 - 138

PASSED:

APPROVED: _____

Mayor

ATTEST: _____

City Clerk

APPROVED AS TO FORM:

City Attorney

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REPORT TO CITY COUNCIL

FROM: Steven C. Carter, City Manager

DATE: May 11, 2006

SUBJECT: EXPLANATION OF COUNCIL BILL NO. 2006 - 138

A. Introduction: This Council Bill would revise the smoking regulations within the City of Champaign. The proposed amendment to the Municipal Code would prohibit smoking in establishments licensed to sell alcoholic beverages and food service establishments as well as other enumerated enclosed areas. The proposal eliminates the option to provide for "smoking areas" in designated public buildings.

B. Action Requested: This ordinance was proposed for inclusion in the Agenda by Council Member Rosales. If the Council wishes to regulate smoking in this fashion, it should pass the Council Bill.

C. Prior Council Action:

- The City Council was provided smoking ban research in a memo dated July 29, 2005.
- The City Council considered smoking regulations at its Study Session on September 13, 2005. (Minutes are attached from that meeting.)
- The City Council passed Council Bill No. 2006-14 on January 17, 2006, which prohibited possession of tobacco by minors.

D. Background:

1. General. The Memo from the Study Session on September 13, 2005, is attached for background on various ordinances. Recently, the state law (the Clean Air Act) was modified to permit increased local regulation. Since that time, there has been activity in northern Illinois and more recently in Normal, Bloomington, and Springfield when smoking regulatory ordinances were approved.

This ordinance was placed on the Agenda by Council Member Rosales.

2. Summary of Proposed Ordinance.

a. Replaces Current Ordinance. This Council Bill completely replaces the City's current smoking regulations.

b. Where smoking is prohibited. Section 16-7 prohibits all smoking within the enclosed spaces of a structure in which certain defined kinds of businesses take place. The businesses are listed by type in the body of Section 16-7. These businesses include food service establishments, which include all restaurants plus additional businesses which serve some prepared food. The list of food service establishments is contained in the previously released non-smoking white notebook. Smoking is also prohibited specifically in all liquor licensed establishments except package stores. Package stores are covered by another category, however, namely grocery stores, retail stores and supermarkets. Violation of the smoking prohibition would be punished by a \$145 fine and the fine would be collected in the same manner as other City ordinance violations.

c. Other Obligations. In addition to the smoking prohibition, the ordinance requires employers, owners and others in charge of business premises to prohibit smoking, to request smokers to stop or leave if they don't stop, and to use other means which may be appropriate to require compliance.

Those in charge of the listed business premises would also be required to post "no smoking" signs, remove ash trays and such. Violations of any of these sections would be punished by a \$195 fine and these fines would also be collected in the same manner as other City ordinance violations.

d. Exemptions. This Council Bill would not prohibit smoking in outdoor food and liquor service areas, including outdoor cafes on public property. It also would not prohibit smoking in retail tobacco stores, smoking hotel rooms, private cars and private houses not being used for a home-based business.

e. Owners could expand no smoking areas. The ordinance would allow owners to expand no smoking areas to places beyond the automatic reach of the ordinance.

E. Alternatives:

1. Pass the ordinance.
2. Do not pass the ordinance.

F. Discussion of Alternatives:

Alternative 1 would be to pass the ordinance. Council Members should note that the effective date of the ordinance is the latter of thirty days' after Urbana passes an ordinance regulating smoking in food service establishments and liquor license establishments or August 1, 2006.

Alternative 2 would be not to pass the ordinance. The current regulations are attached to this Report. These would remain in effect should the ordinance not be passed.

G. Community Input: Council received a good deal of input at its Study Session on September 13, 2005. That input is summarized in the attached Council Minutes.

H. Budget Impact: There will be minimal budget impact.

I. Staffing Impact: There will be some time spent in public education by those assigned by the City Manager for that task. There could be, depending on compliance rates, increased activity both in the Legal and the Police Departments, among others, if enforcement of the ordinance is necessary. Anecdotally, the communities report that there has not been a great deal of enforcement activity necessitated by the passage of the ordinance.

Prepared by:

Frederick C. Stavins
City Attorney

Attachments: Study Session Report No. 2005-062
Minutes - 9/13/05
Current Smoking Regulations (Sec. 16-5)

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ATTACHMENT ONE

REPORT TO CITY COUNCIL

FROM: Steven C. Carter, City Manager

DATE: September 9, 2005

SUBJECT: SMOKING REGULATIONS ORDINANCE SS 2005-062

A. Introduction: The purpose of this report is to provide information that will assist Council in the policy decision making process regarding smoking regulations.

B. Recommended Action: Staff seeks Council direction regarding amendments to the current smoking regulations ordinance.

C. Prior Council Action:

- Council passed the current ordinance concerning smoking regulations in September, 1975, with Council Bill No. 75-132.
- In June, 2005, Council approved a study session topic request to discuss “whether or not the City should enact restrictions or prohibitions on smoking in restaurants which do not hold a Class A liquor license.”

D. Background:

1. Current Smoking Regulations Ordinance. Council passed a smoking regulations ordinance in September, 1975, with Council Bill No. 75-132. The ordinance prohibits smoking, except in designated smoking areas of hospitals, nursing homes, museums, libraries, restaurants, cafeterias, hotels and motels, any enclosed public space in which 25 or more persons gather for religious, recreational, educational, political or civic purposes and any enclosed space under the control of the City where there is a public meeting in progress.

The ordinance completely bans smoking in theatres, including seating areas, under the stages and in dressing rooms. Smoking is completely banned in opera houses, concert halls, lecture halls, auditoriums, assembly halls, grocery stores, retail stores, supermarkets, and storage warehouses where merchandise is exposed.

In addition, the ordinance completely bans smoking within any vehicle used by the Champaign-Urbana Mass Transit District for public transportation. However, the ordinance states that smoking in vehicles used by the transit district would not be unlawful unless it is also unlawful according to the City of Urbana’s smoking regulations ordinance.

The City of Urbana’s smoking regulations ordinance prohibits smoking, except in designated smoking areas, in generally the same places as the City of Champaign. Urbana prohibits smoking in vehicles used by Champaign-Urbana Mass Transit.

The difference between the two ordinances is that Urbana allows smoking in private offices and warehouses. The Urbana ordinance states that designated smoking areas shall use existing physical barriers and ventilation systems to minimize the toxic effect of smoke in adjacent non-smoking areas. The Urbana ordinance also requires business owners to ask smokers to refrain from smoking in non-smoking areas.

2. Smoking Ban Research. Staff collected and analyzed smoking ban ordinances from 21 different cities within Illinois, the Big Ten Cities and other Midwest cities. Of the 21 cities researched, 17 have adopted smoking ban ordinances that prohibit smoking in public places and places of employment with, certain exemptions. The most common exemptions are summarized below.

Exemptions/Special Conditions:

- **Hotel and motel rooms (14 of 17 cities)** – Many of the ordinances stipulate that no more than 20 to 25 percent of the rooms rented to guests can be designated as smoking.
 - **Private residences (12 of 17 cities)** – This exemption is not listed in some ordinances because it is not generally considered a public place. However, some of the ordinances recognize that private residences may be used as childcare facilities and state that private residences are exempt, except when used as a childcare facility.
 - **Retail tobacco shops (12 of 17 cities)** – Many of the ordinances define a retail tobacco shop as a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
 - **Private clubs (6 of 17 cities)** – Many of the ordinances require that the clubs are open only to members and their guests.
 - **Private rooms in nursing homes (6 of 17 cities)** – All parties that reside in each room must agree to smoking being permitted.
 - **Assembly halls and rooms (5 of 17 cities)** – The ordinances require that the halls and rooms be reserved for private functions.
 - **Outdoor patios (4 of 17 cities)** – The ordinances require that patios be physically separated and open to the air, that any doors and windows attached to the patios be kept closed to prevent smoke from entering the enclosed areas where smoking is not allowed. Many of the other ordinances state that smoking is prohibited within a reasonable distance of an enclosed area where smoking is banned to insure that smoke does not enter the enclosed area. Some ordinances specify 25 feet.
- 3. Responsibilities of Businesses:** Many of the ordinances require businesses to post “No Smoking” signs where smoking is not allowed and to remove all ashtrays and other smoking paraphernalia.
- 4. Enforcement:** The enforcement of most of the ordinances surveyed is performed by a variety of city departments, including the health department, city manager’s office, police department, mayor’s office, and the fire department. Some cities have departments to inspect for compliance while conducting other mandatory inspections. Other ordinances are enforced by divisions within county government. In most cities, the enforcement is initiated by complaints from citizens. The majority of the ordinances state that any citizen can register a complaint with the department that is responsible for enforcement.

Most ordinances require fines for each violation. Most of the fines range from \$50 to \$750, depending on the number of violations.

5. Economic Impact: Staff searched for scientific studies regarding the impact of smoking bans. Staff located 6 scientific studies published in different journals. The studies examined smoking bans in many different cities across the country. In 6 of the studies, 4 concluded there were no significant changes to sales after the adoption of smoking bans, and 2 of the studies found that bars are more likely to experience profit losses than restaurants.

E. Alternatives:

1. Amend the current smoking regulations ordinance to enact additional restrictions or prohibitions on restaurants which do not hold a Class A liquor license.
2. Maintain the current smoking regulations ordinance as written.
3. Provide other direction to staff regarding amendments to the smoking regulations ordinance.

F. Discussion of Alternatives:

Alternative 1 would direct staff to draft amendments to the current smoking regulations ordinance to further restrict or prohibit smoking in restaurants which do not hold a Class A liquor license.

Under this alternative Council could consider several options including: requiring separate ventilation systems for smoking sections, requiring designated smoking areas to be enclosed, or prohibiting smoking completely in restaurants without a Class A liquor license.

Staff presumes this would mean all businesses that have been licensed to serve food by the Champaign-Urbana Health District would be considered restaurants.

Additional restrictions on smoking under this alternative would also apply to bar and lounge areas within restaurants that do not have a Class A liquor license.

Smoking would also be prohibited in private clubs and hotels, because they do not have Class A liquor licenses, even though they often operate in the same manner as a bar with a Class A license.

a. Advantages

- The City would not have to provide the first level of enforcement, since businesses would perform that function.
- Four research studies indicated restaurants are not likely to be economically impacted by prohibiting smoking in their businesses.
- Prohibiting smoking in restaurants would eliminate the possible exposure to smoke by restaurant customers.

b. Disadvantages

- Some Class A liquor licensees operate as a restaurant which could provide an economic advantage over other restaurants.
- Requires resources to educate businesses and customers.
- Could result in added costs for businesses.
- Higher level of regulation could require more enforcement by the city.
- Restaurants will need to provide first level enforcement of this ordinance.

Alternative 2 would keep the current smoking regulations ordinance as written

a. Advantages.

- No added costs for businesses.
- No risk of negatively impacting sales.
- No higher level of enforcement.
- No education of businesses and customers is required.

b. Disadvantages

- Would not eliminate potential exposure to smoke by other customers or employees.

Alternative 3 would direct staff to draft other amendments to the current smoking regulations ordinance.

a. Advantages.

- Council could craft added regulations to precisely regulate what they choose to regulate.

b. Disadvantages

- Could result in additional costs for businesses
- Higher level of regulations could require some additional staff work to enforce.
- Added education for businesses and their customers would be needed.

G. Community Input: Members of the community have attended previous Council meetings to voice their concerns regarding this issue. Staff contacted and has received information from CU-Smokefree Alliance, American Cancer Society, and the Illinois Restaurant Association. The information was included in the packet submitted to Council on July 29, 2005.

H. Budget Impact: Amendments to the current smoking regulations ordinance should have a minimal budget impact. There would be some funding required for public education, but these expenses would not be significant.

I. Staff Impact: Staff time may be required to educate the public on any revisions. There may also be an increase in the workload of staff to respond to complaints and violations.

Prepared by:

Reviewed by:

Stephen Barnes
Assistant to the City Manager

Paul A. Berg
Assistant City Manager

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ATTACHMENT TWO

MINUTES

Champaign City Council Regular Study Session

DATE: September 13, 2005

PLACE: Champaign City Building
City Council Chambers
102 North Neil Street
Champaign, Illinois 61820

COUNCIL MEMBERS
PRESENT: Kathy Ennen Gina Jackson
Michael La Due Vic McIntosh
Ken Pirok Giraldo Rosales
Tom Bruno Marci Dodds
Mayor Schweighart

COUNCIL MEMBERS
ABSENT: None

STAFF PRESENT: Steve Carter, City Manager
Paul Berg, Assistant City Manager
Stephen Barnes, Assistant to the City Manager

OTHERS PRESENT: None

TIME STARTED: 7:01

Annisa Rainey, Volunteer and Outreach Manager at Habitat for Humanity of Champaign County, extended an invitation, on behalf of the board, to a groundbreaking ceremony on Saturday, September 17 at 11:00 am for the fourth (and final) home constructed during 2005. The lot, located at 304 W. Tremont, was provided by the City of Champaign along with financial assistance. Ms. Rainey thanked the City for its generous support.

TOPICS DISCUSSED:

Smoking Regulations Ordinance [SS 2005-062]

Staff Presentation: Assistant to the City Manager Barnes noted that in June of this year, Council approved discussion of a study session topic on whether the City should enact restrictions or prohibitions on smoking in restaurants that do not hold Class A liquor licenses. Council directed staff to conduct research on the topic and not to spend time researching health issues related to second hand smoke. Staff collected information on smoking ban ordinances

from 21 different cities in Illinois, the Big Ten Cities and other Midwest cities. Information was provided on places where smoking is prohibited and those places commonly exempted from smoking bans. Information was also gathered and provided on enforcement issues and the economic impact of smoking bans. The Illinois Restaurant Association, the American Cancer Society, and the CU Smoke-Free Alliance provided staff with information also.

Staff recommendation: Staff sought Council direction regarding possible amendments to the current smoking regulations ordinance.

Council Members' Technical Questions: A Council Member inquired how many restaurants in the City of Champaign do not have Class A liquor licenses (approximately 227).

Public Comment: Forty one members of the audience spoke. Comments included health risks of second hand smoke, health concerns for workers, freedom to choose as business owners, freedom to choose as consumers, rights of smokers, rights of non-smokers, government responsibility and the economic impact on the City (with respect to food & beverage tax revenues), the food and beverage industry, and the health industry.

Jim Cross presented the Council with a petition of 1818 signatures stating opposition to any new laws banning smoking in restaurants and bars in the City of Champaign. Allen Hall supplied Council with a packet containing information he found while researching the threat of Environmental Tobacco Smoke (secondhand smoke). Kathleen Gary submitted to Council a study that reviewed the quality of studies on the economic effects of smoke-free policies on the hospitality industry. Robert Scully gave Council two medical journal articles regarding passive smoking and the cardiovascular effects of secondhand smoke.

Council General Discussion: Council Member discussion included the following:

- Trust or lack of trust in quoted statistics
- Business owners' rights
- Government imposed regulations
- Non-Smoking sections don't work
- Why should the Council ban smoking in restaurants without a Class A liquor license rather than all restaurants and bars?
- Consideration of a complete indoor smoking ban
- Veterans organization exemption

Poll: Mayor Schweighart polled Alternative 3, provide direction to staff to create an indoor smoking ban on all restaurants and bars with no exclusions. The result of the poll was 4 yes and 5 no (Pirok, McIntosh, La Due, Jackson, and Mayor Schweighart). Mayor Schweighart then polled Alternative 2, maintain the current smoking regulation ordinance as written. The result of the poll was 5 yes and 4 no (Jackson, Bruno, Pirok, Rosales).

Adjournment: CM La Due, seconded by CM McIntosh, moved to adjourn. A voice vote was taken on the motion to adjourn; all voted yes.

TIME ADJOURNED: 10:25 p.m.

Glenda F. Robertson
Deputy City Clerk

ATTACHMENT THREE

Sec. 16-5. Smoking.

(a) It shall be unlawful for any person to smoke or carry a lighted cigarette, cigar, or pipe within the following types of buildings, structures, or enclosed spaces: common or public areas of hospitals, sanitoriums, nursing homes, convalescent homes, homes for the aged or chronically ill patients, museums, libraries, restaurants, cafeterias, hotels, motels, any enclosed public space in which twenty-five (25) or more persons gather for religious, recreational, educational, political or civic purposes, and any enclosed space under the control of the City where there is in progress any public meeting; except that part of the common or public areas of any such buildings, structures, or enclosed spaces may be designated as smoking areas.

(b) It shall be unlawful for any person to smoke or carry a lighted cigarette, cigar, or pipe within the exposition seating areas, or under the stages or in dressing rooms of theatres, motion picture theatres, opera houses, concert halls, lecture halls or rooms, auditoriums, and assembly halls or within areas where merchandise is exposed in storage warehouses, grocery stores, retail stores, and supermarkets.

(c) It shall be unlawful for any person to smoke or carry a lighted cigarette, cigar, or pipe within any vehicle used by the Champaign-Urbana Mass Transit District for public transportation, but it shall not be unlawful unless there is in effect at the same time for the City of Urbana an ordinance proscribing such conduct.

(d) The owner, operator, manager or other person having control of any building, structure or enclosed space where it is unlawful for any person to smoke or carry a lighted cigarette, cigar or pipe shall provide and conspicuously post in any such building, structure or enclosed space signs on which the words "No Smoking" shall appear in letters of a reasonable height.

(Code 1975, § 7-22)