

THE CITY OF LAKE FOREST

ORDINANCE NO. 2006-43

**AN ORDINANCE ESTABLISHING A PROHIBITION ON SMOKING IN
PUBLIC PLACES (LAKE FOREST SMOKING BAN)**

WHEREAS, The City of Lake Forest does not currently have a smoking ban; and

WHEREAS, within the State of Illinois, the cities of Chicago, Springfield, Evanston, Highland Park, Skokie, DeKalb, Deerfield, Park Ridge, Wilmette, Lincolnshire, Buffalo Grove and other major cities and villages have banned or limited smoking in their restaurants and bars; and

WHEREAS, numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart, stroke, respiratory disease, and lung cancer; and

WHEREAS, the City Council determined that amending the City Code to completely ban smoking in all enclosed and other public places, as well as places of employment, would better protect the public from the well documented health and environmental hazards and injuries caused by smoking and the effects of secondhand smoke; and

WHEREAS, the City Council has determined that the adoption of a smoking ban as set forth in this Ordinance is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LAKE FOREST, COUNTY OF LAKE, STATE OF ILLINOIS, AS FOLLOWS:

SECTION ONE - Recitals:

The foregoing recitals are hereby incorporated and made a part of this Ordinance as the findings of the City Council.

SECTION TWO - Amendment to Chapter 19 of the City Code:

Chapter 19 of the Lake Forest City Code, entitled "Health and Sanitation" is hereby amended by establishing a new Article to be entitled "Prohibition of Smoking in Public and Other Places," which new Article shall be and read as follows:

ARTICLE VIII

Prohibition of Smoking in Public and other Places

Sec. 19-62 - Background:

Smoking poses hazards to the personal health of those in the environment of such smoke as well as the potential damage to property that may result from the combustible nature of such substance. It has been determined that breathing ambient smoke, especially in an enclosed area, is a health hazard to both smokers and nonsmokers. Cigarette smoking also produces several substances that are considered hazardous to health including carbon monoxide, hydrogen cyanide, nitrous oxide and formaldehyde. Secondhand smoke (68% of the total smoke produced by a cigarette) affects the health of bystanders, harming their respiratory systems, often causing nonsmokers to have allergic or irritative reactions. Secondhand smoke is a known cause of lung cancer.

Because the hazards of smoking pose material and direct harmful effects on the public health, safety, welfare, comfort, and property of residents of the City, it is, therefore, necessary and desirable to establish regulations that prohibit smoking in all enclosed and other public places and in all places of employment.

Sec. 19-63 - Purpose:

This ordinance may be cited as the "Lake Forest Smoking Ban Ordinance," the purpose of which is to protect the public health, comfort and environment by prohibiting smoking in all public places and places of employment, in order to ensure that nonsmokers may breathe air free from the hazardous effects of secondhand smoke.

Sec. 19-64 - Definitions:

For purposes of this Article, the following terms shall have the following meanings:

- A. **"Employee"** means any person who is employed by a business, and shall include the owner or operator of a sole proprietorship or other similar business entity.
- B. **"Employer"** means any business that employs one or more employees.
- C. **"Enclosed area"** means all space in any structure or building that is enclosed on all sides by any combination of walls, windows, or doorways, extending from floor to the ceiling.
- D. **"Outdoor dining area"** means any part of a restaurant that is not in an enclosed area where employees are required or permitted to work.
- E. **"Place of employment"** means any enclosed area of a business within the City where one or more employees are required or

permitted by an employer to work in the course of their employment, and includes, without limitation, common work areas, private offices, auditoriums, classrooms, conference and meeting rooms, cafeterias, elevators, employee lounges, stairs, hallways, restrooms, medical facilities, private clubs, restaurants, and the interior of a vehicle of public conveyance. A “place of employment” does not include a private dwelling unit, unless the dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units.

F. **“Public place”** means any area that is open to and used by the general public, or any area to which the public is invited or in which the public is permitted, including without limitation:

- (1) vehicles of public conveyance, including their loading areas and platforms;
- (2) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, and elevators) of apartment buildings, condominiums, dormitory buildings, nursing home care facilities, and other multiple family residential structures;
- (3) common or public areas (including without limitation lobbies, hallways, reception areas, public restrooms, and elevators) of any building or structure that is accessible to the public, including without limitation office, commercial, and industrial buildings, banks and financial institutions, educational institutions, health care facilities such as hospitals, clinics and doctor’s offices, museums, libraries, restaurants, polling places, government and City-owned buildings, food stores, cafeterias, theaters, auditoriums, train and bus stations, hotels, motels, and retail and service establishments;
- (4) rooms, chambers, halls, or other enclosed areas within which meetings, hearings, or gatherings are held, to which the public is invited or in which the public is permitted, including specifically, but without limitation, any enclosed area under the control of The City of Lake Forest; and
- (5) any outdoor public area, including parks, beaches, Market Square.

“Public place” shall not include:

A private dwelling unit, unless said dwelling is also used as a day care facility for children or adults; provided that rooms in nursing homes or long-term care facilities occupied by one or more persons who have requested in writing a room where smoking is permitted shall be considered private dwelling units; or

G. **“Restaurant”** means any coffee shop, cafeteria, luncheonette, sandwich stand, soda fountain, private and public school cafeteria or eating establishment, and any other eating establishment, organization, club, including veterans' club, boardinghouse, or guesthouse, which gives or offers for sale food to the public, guests, patrons or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities.

H. **“Smoke” or “smoking”** means inhaling, exhaling, burning, or carrying a lighted cigar, cigarette, pipe, or other combustible substance in any manner or in any form.

Sec. 19-65 – Prohibition of Smoking in Public Places:

It shall be unlawful to smoke in any enclosed area of any public place. It shall be unlawful for the owner, occupant or lessee, as the case may be, in control of a public place to knowingly permit smoking in any enclosed area in a public place.

Sec. 19-66 – Prohibition of Smoking in Public Places and Outdoor Venues:

It is unlawful to smoke in the following unenclosed public places:

1. The seating areas of all outdoor arenas, stadiums and amphitheaters.
2. Public parks, beaches, and vehicle platforms and loading areas, and recreation areas, except for those areas of the Deerpath Golf Course located at least 75 feet from the Clubhouse building.
3. School grounds.
4. Outdoor dining areas.
5. Public sidewalks within twenty-five (25) feet of a public entrance of an enclosed area of either a public place or place of employment.
6. Market Square including sidewalks.

Sec. 19-67 – Prohibition in Places of Employment

Smoking shall be prohibited in any enclosed area of any place of employment. It shall be unlawful for any employer to knowingly permit smoking in any enclosed area of any place of employment.

Sec. 19-68 – Designation of Other No-Smoking Areas

Nothing in this Article shall be deemed to limit the owner, occupant or lessee of a public place or a place of employment to further prohibit smoking by designating outdoor areas not otherwise subject to the restrictions of this Article as a place where smoking is also prohibited, provided the owner, occupant or lessee conspicuously posts signs wherever smoking is prohibited in the same manner set forth in Section 19-69 of this Chapter.

Sec. 19-69 Signs

Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous “No Smoking” signs in the enclosed area of any public place where smoking is prohibited. Such “No Smoking” signs shall have a white field with the words “No Smoking” printed in red letters, four inches high with a one-half inch face, or shall bear the international “No Smoking” symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it. It shall be unlawful for any person to remove, deface or obscure any sign posted pursuant to the provisions of this ordinance.

Sec. 19-70 Penalties

Any person who violates any provision of this Article shall be fined not less than \$50 nor more than \$500 for each and every offense; provided that each day a violation continues shall constitute a separate offense.

Sec. 19-71 Severability

If any provision or part of this Article or application thereof to any person or circumstance is held to be invalid, the remainder of the Article and the application of the provision or part thereof to other persons not similarly situated or to other circumstances shall not be affected thereby.

Sec. 19-72 Effective Date

A. In General. The provisions of this Article shall take effect as of September 1, 2006. All premises affected by this Article which are in existence on the approval date hereof shall cause such signs to be posted in a conspicuous location within the public place on or before September 1, 2006.

All premises affected by this Article which are established subsequent to the approval date hereof shall cause such signs to be so posted as a condition to obtaining applicable business licensing.

B. Exceptions. Notwithstanding the effective date in Section 19-72.A, the provisions of this Article shall take effect on May 1, 2007 for any restaurant or establishment holding either a class B-1, B-2, C through C-7, D, E, or E-1 liquor license issued by the City.

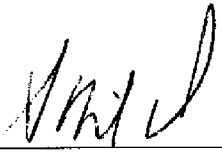
PASSED this 7th day of August, 2006.

AYES: Swarthout, Grumhaus, Elliott, Reynolds, Morsch, Looby, Haddad.

NAYS: Widman

ABSENT: None.

APPROVED this 7th day of August, 2006.



Mayor

ATTEST:




City Clerk