

ARTICLE 5

HEALTH

CHAPTER 17 SMOKING

(Ord 2006-19, 3/6/06, S24)

SECTION

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5-17-1 DEFINITIONS

Enclosed Area: Any space between a floor and ceiling that is enclosed on all sides by any combination of solid walls, windows and/or doorways, including but not limited to, underground parking garages, elevators, and public buses, taxis and other vehicles of public conveyance licensed by the City or operating solely within the City boundaries.

General Public Event: An event to which all persons willing to attend or pay the price of admission are invited, in contrast to a private party event for which invitations have been extended only to specific persons.

Private Banquet Hall Space: Any Enclosed Area in a banquet hall facility generally rented to a person or persons for the purpose of holding a private party, gathering, or other social function to which the lessee has invited specific persons. Private Banquet Hall Space shall not include hallways, lobbies, restrooms, or other common areas within the banquet hall facility.

Private Club: An organization, whether incorporated or not, which is the owner, lessee or occupant of a building or a portion of a building and meets the following criteria: (1) operated solely for a recreational, fraternal or social purpose and not for monetary gain; (2) has a membership of more than 200 bona fide persons who pay dues on an annual or other periodic basis; (3) whose affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the membership at an annual meeting; and (4) whose building is generally used for club purposes only.

Private Dwelling Unit Space: Any enclosed area intended for and used as actual living space, including but not limited to homes, apartments, retirement home, group homes and nursing home

living quarters. Private Dwelling Unit Space shall not include hallways, lobbies or other common areas within an apartment building, retirement home group home or nursing home.

Smoking: The inhaling, exhaling, burning or carrying of any lighted cigar, cigarette, pipe or other similar object.

5-17-2 EXCEPTIONS

The following Enclosed Areas are not subject to this Chapter 17 except as stated below:

- A. Private Dwelling Unit Space, unless the Private Dwelling Unit Space is used as a licensed childcare, adult care or health care facility.
- B. Retail tobacco stores utilized primarily for the sale of tobacco products and accessories.
- C. Private Banquet Hall Space, except for any Enclosed Area at such time as that Enclosed Area is being used for a General Public Event.
- D. Private Clubs except for any Enclosed Area at such time as that Enclosed Area is being used for a General Public Event.

Commencing on July 1, 2008, Private Banquet Hall Spaces (C above) and Private Clubs (D above) shall be subject to this Chapter 17.

5-17-3 SMOKING PROHIBITED

No person shall smoke in any Enclosed Area. No owner, operator or person in control of an Enclosed Area shall permit smoking in that Enclosed Area.

5-17-4 SMOKING AREAS

No Smoking shall be permitted within fifteen (15') feet of a door or window to any Enclosed Area where Smoking is not permitted or within fifteen (15') feet of a ventilation air intake to any building.

5-17-5 RETALIATION PROHIBITED

No person or employer may discharge, refuse to hire or in any manner retaliate against or discriminate against an employee, applicant for employment or customer because that employee, applicant or customer reports or attempts to prosecute a violation of this Chapter.

5-17-6 RIGHT TO DECLARE PREMISES NON-SMOKING

Notwithstanding any other provision of this Chapter, an owner, manager or other person in control of a building or an establishment, facility or outdoor area may declare that entire building, establishment, facility or outdoor area as a nonsmoking area by posting a sign indicating “No Smoking” and no person shall smoke in any such place. If such a nonsmoking declaration is made, any violator shall be subject to the penalties set forth in Section 5-17-7.

5-17-7 PENALTY

Any person violating any provision of this Chapter shall be subject to a fine as set forth in Article 5, Section 16 of the Park Ridge Municipal Code.