

ORDINANCE 2015 –O-11

**AN ORDINANCE ADDING CHAPTER 104
TO THE MUNICIPAL CODE OF WINTHROP HARBOR
BANNING SMOKING AND VAPING ON CERTAIN
PUBLIC PROPERTIES**

WHEREAS, the Village Board finds that more than ample evidence exists to demonstrate that smoking of tobacco products is a noxious habit that leads to deaths and injuries to the smoker and to others in the immediate vicinity, and

WHEREAS, the State of Illinois has had the Smoke Free Illinois Act (410 ILCS 82/1, et. seq.) and its predecessor, the Illinois Indoor Clean Air Act in place for a long time, and

WHEREAS, the Village Board finds that the recent development and market growth of so-called “e-cigarettes” and “vaping” has also posed serious health issues for users and particularly for minors who are increasingly exposed to these products, which often serve as gateways to tobacco use, and

WHEREAS, the Village Board finds that it is in the public interest to provide a clean and safe environment, free from as many noxious influences and health risks as possible within the areas within the Village’s ownership and direct control, and

WHEREAS, the Village Board states that it is proper public policy to provide parks and public buildings which are completely smoke and “vape” free, in order to encourage the maximum healthy public participation and to promote healthy lifestyles in all citizens and families within the community,

NOW THEREFORE, BE IT ORDAINED by the Village of Winthrop Harbor, Lake County, Illinois, as follows:

SECTION ONE: Chapter 104 is hereby added to the Winthrop Harbor Municipal Code and it shall hereafter read as follows:

104.01 SMOKING IN PUBLIC BUILDINGS AND PARKS PROHIBITED.

A) The smoking of cigarettes, cigars, pipes or any other form of burning tobacco product is prohibited within any publicly-owned building or upon any publicly-owned grounds surrounding such building within the Village of Winthrop Harbor.

B) The smoking of cigarettes, cigars, pipes or any other form of burning tobacco product is prohibited within any public park located within the corporate limits of the Village of Winthrop Harbor.

104.02 VAPING AND E-CIGARETTE USE IN PUBLIC BUILDINGS AND PARKS PROHIBITED.

A) Definitions. For the purposes of this Section, the following terms shall have the following meanings:

1) Electronic cigarettes. "Electronic cigarette" or "**e-cigarette**" means a battery-operated device that contains a combination of nicotine, flavor, or chemicals or any combination thereof that are turned into vapor which is inhaled by the user.

2) Vaping. "Vaping" refers to the use of an electronic cigarette.

B) General Prohibition. Vaping, or the use of any electronic cigarette within any publicly-owned building or upon any publicly-owned grounds surrounding such building within the Village of Winthrop Harbor is prohibited.

C) Prohibition in Parks. Vaping, or the use of any electronic cigarette in any park located within the corporate limits of the Village of Winthrop Harbor is prohibited.

104.03 DESIGNATED SMOKING AREAS. While the Village does not condone or encourage smoking by anyone, it recognizes that there needs to be some balance between health concerns and the right of people to clean air on the one hand with the right of smokers to partake of tobacco on the other. As such, the Village's department heads are authorized to establish designated smoking areas where smoking and vaping are allowed. In the process of marking out such areas, the department heads are instructed to exercise reasonable restraint and make the areas large enough to accommodate the reasonably anticipated number of smokers, and to locate them at appropriate distances away from other people or sporting events.

104.99 PENALTY. Any person violating any provisions of this Chapter 104 shall be subject to the penalties set forth in section 39.07.

SECTION TWO: Section 39.07 of the Winthrop Harbor Municipal Code is hereby amended by the following penalty provisions:

Offense	1 st Violation	2 nd Violation	3 rd Violation	4 th and Subsequent Violations
104.01	\$25	\$50	\$100	\$250
104.02	\$25	\$50	\$100	\$250

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

PASSED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WINTHROP HARBOR, ILLINOIS, ON THIS 21ST DAY OF APRIL, 2015.

APPROVED:

ROBERT D. LOY, MAYOR

ATTEST:

JANA J. LEE, VILLAGE CLERK

AYES: Braden, Marabella, Robards, Weiss

NAYS: Hargett, McCarthy

ABSENT: None

FIRST AND SECOND READING: Waived April 21, 2015

ORDINANCE PASSED: April 21, 2015