



VILLAGE OF ORLAND PARK

14700 Ravinia Avenue
Orland Park, IL 60462
www.orland-park.il.us

Ordinance No: 4228

File Number: 2007-0118

AN ORDINANCE AMENDING ORDINANCE NO. 4192, ADOPTED OCTOBER 2, 2006,
AMENDING TITLE 6, CHAPTER 2, SECTION 2-12 OF THE ORLAND PARK VILLAGE CODE:
SMOKING BAN - PUBLIC PLACES

VILLAGE OF ORLAND PARK

STATE OF ILLINOIS, COUNTIES OF COOK AND WILL

Published in pamphlet form this 6th day of March, 2007 by authority of the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois.

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AN ORDINANCE AMENDING ORDINANCE NO. 4192, ADOPTED OCTOBER 2, 2006,
AMENDING TITLE 6, CHAPTER 2, SECTION 2-12 OF THE ORLAND PARK VILLAGE CODE:
SMOKING BAN - PUBLIC PLACES

WHEREAS, the Village of Orland Park (the "Village") is a home rule municipality organized under the laws of the State of Illinois; and

WHEREAS, the Village, on October 2, 2006, pursuant to Ordinance No. 4192, adopted a comprehensive smoking ban in public places that was to be effective January 2, 2007; and

WHEREAS, on January 19, 2007, pursuant to Ordinance No. 4215, the Village amended Ordinance No. 4192 to provide an effective date of March 14, 2007; and

WHEREAS, the President and Board of Trustees have determined that businesses should be permitted to erect temporary outdoor smoking shelters for use by their patrons wishing to smoke and to allow smoking at certain outdoor events, and to further amend Ordinance No. 4192 accordingly;

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

That Ordinance No. 4192, adopted October 2, 2006, is hereby further amended by revising:

(a) that part of Section 1 defining "Public Place" to read as follows:

"Public Place: Park (as defined herein), outdoor venue (as defined herein), or enclosed indoor area used by the general public and/or to which the general public is invited or permitted, or which serves as a place of employment, including but not limited to:

(1) Health care facilities, nursing homes (except as hereinafter provided), food service establishments, restaurants, taverns/bars, retail food stores, banquet halls, commercial establishments, indoor theatres, libraries, museums, concert halls, public conveyances, educational facilities, auditoriums, arenas, common or public areas of condominium buildings and health care facilities (including nursing home care facilities, except as hereinafter provided), laundromats, public transportation facilities, marketing establishments, educational facilities, retail stores, convention facilities, bingo facilities, galleries, shopping malls, arenas and

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meeting rooms, polling places, school, Village of Orland Park or other government buildings, offices and office buildings, factories, warehouses and other places of work.

- (2) Restrooms, lobbies, reception areas, hallways, offices, elevators, and other common areas.
- (3) Meeting places, meeting or conference rooms, cafeterias, room chambers, places of public assembly, offices used by more than one employee, residences used as a licensed child care facility, adult day care facility, health care facility or a home-based business of any kind open to the public.
- (4) Taxis, vehicles of public conveyance and vehicles owned, leased or operated by the Village of Orland Park.
- (5) Facilities used for exhibiting a motion picture, stage, drama, lecture, musical recital or other similar performance.

A Public Place does NOT include:

- (1) Private residences, except when used as a licensed childcare facility, adult day care facility, health care facility or a home-based business of any kind open to the public.
- (2) Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms provided, however, that not more than twenty-five percent (25%) of the rooms rented to guests in a hotel or motel may be so designated.
- (3) 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 or to remain, as the case may be, in a room where smoking is permitted.
- (4) A temporary outdoor smoking shelter ("shelter") erected by the owner or other person in control of a Public Place on the premises of the Public Place and which outdoor smoking shelter meets the following criteria:
 - a. Not more than one (1) shelter shall be erected on or upon a Public Place;
 - b. The shelter shall be permitted only from November 1 through and including April 30 in any year;
 - c. The shelter shall not exceed one hundred (100) square feet (except as provided in e. below) and shall not be located within fifteen (15') feet of any Main Entrance to a Public Place;

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- d. No food or beverage service shall be provided to or permitted within the shelter;
- e. An Open Air Dining Area designated for smoking may be converted to a shelter provided all other requirements for shelters set forth herein are met, except that such shelter may exceed one hundred (100) square feet; and
- f. Plans for any shelter shall be submitted in advance of erection to the Village's Department of Development Services for review and approval and, upon such approval, the issuance of a permit. No fee shall be charged for such review or permit."

(b) Section 1-4 (1) thereof to read in its entirety:

"4. Prohibition of Smoking in Outdoor Venues and Events.

(1) It is unlawful to smoke in the following Outdoor Venues and/or events:

- a. Public parks and recreation areas within 15 feet of any play area or any playground.
- b. Public or private school grounds.
- c. Public sidewalks within 15 feet of a Main Entrance to a Public Place, but excluding any person who is temporarily in such area for the purpose of walking or traversing through such area.
- d. At any scheduled outdoor event to which the public is permitted or invited, which takes place within an outdoor theater, amphitheater, stadium, or other similar semi-enclosed facility."

SECTION 2

That all other provisions of Ordinance No. 4192, adopted October 2, 2006, not amended hereby, shall remain in full force and effect as if fully set forth herein.

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SECTION 3

This Ordinance shall be in full force and effect from and after its adoption and approval as provided by law.

PASSED this 5th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

Aye: 6 Trustee Fenton, Trustee Murphy, Trustee Gira, Trustee Schussler, Trustee O'Halloran, and
Village President McLaughlin

Nay: 0

Absent: 1 Trustee Dodge

DEPOSITED in my office this 5th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk

APPROVED this 5th day of March, 2007

/s/ Daniel J. McLaughlin

Daniel J. McLaughlin, Village President

PUBLISHED this 6th day of March, 2007

/s/ David P. Maher

David P. Maher, Village Clerk