

**ORDINANCE 20-O-1 ADOPTING A SMOKE FREE ILLINOIS ACT AND  
PROHIBITING SMOKING IN PUBLIC PLACES**

**\*Motion by Morris/Hein:** To adopt Ordinance 20-O-1 stating that this Ordinance is adopting the Smoke Free Illinois Act (410 ILCS 82) prohibiting smoking in public places and outdoor venues.

YEAS: 7

*Motion Passes.*

20-O- 1

AN ORDINANCE ADOPTING THE SMOKE FREE ILLINOIS ACT AND  
PROHIBITING SMOKING IN PUBLIC PLACES, ETC.,

WHEREAS, the Illinois General Assembly has heretofore adopted the SMOKE FREE ILLINOIS ACT (410 ILCS 82) prohibiting smoking in certain public place as therein designated; and

WHEREAS, the County of Douglas desires to adopt said Act in its entirety and to furthermore prohibit smoking in public places, etc., and outdoor venues as herein described.

BE IT, AND, IT IS HEREBY RESOLVED BY THE DOUGLAS COUNTY BOARD IN OPEN MEETING THIS 19<sup>th</sup> DAY OF February 2020, THAT THIS ORDINANCE ADOPTING THE SMOKE FREE ILLINOIS ACT AND PROHIBITING SMOKING IN PUBLIC PLACES AND OUTDOOR VENUES IS HEREBY ADOPTED AS FOLLOWS:

**SECTION 1.** Definitions.

In this Ordinance:

“Bar” means an establishment which has as its primary business the serving of alcoholic beverages for consumption by guests on the premises.

“Bar” includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities; and

“Department” means the Douglas County Health Department; and

“Electronic cigarette” means any electronically actuated device which in operation causes the user to exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation. “Electronic cigarette” includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or under any other product name or descriptor. The term “electronic cigarette” does not include any asthma inhaler or other device that has been specifically approved by the United States Food and Drug Administration; and

“Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a nonprofit entity; and

“Employer” means a person, business, partnership, association, or corporation, including a municipal corporation, trust, or nonprofit entity, that employs the services of one or more individual persons; and

“Enclosed area” means all space between a floor and a ceiling that is enclosed or partially enclosed with (i) solid walls or windows, exclusive of doorways, or (ii) solid walls with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors; and

“Enclosed or partially enclosed sports arena” means any sports pavilion, stadium, gymnasium, health spa, swimming pool, bowling alley, or

...lar place where members of the general public assemble to engage  
physical exercise or participate in athletic competitions or recreational  
ties or to witness sports, cultural, recreational, or other events; and

are

“Event site for professional, collegiate, high school or organized  
our sporting events” means the entire physical area in which such  
ng events occur. The event site shall include all open spaces and  
ed or partially enclosed sports arenas, including, but not limited to  
ng fields, dugouts, bullpens, training rooms, locker rooms, team bench  
spectator seating areas, pedestrian walkways, bathrooms, dining  
vendor areas, offices, and recreational areas; and

or

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“Gaming equipment or supplies” means gaming equipment / supplies  
in the Illinois Gaming Board Rules of the Illinois Administrative  
and

or

“Gaming facility” means an establishment utilized primarily for the  
ses of gaming and where gaming equipment or supplies are operated  
e purposes of accruing business revenue; and

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“Healthcare facility” means an office or institution providing care or  
ment of diseases, whether physical, mental, or emotional, or other  
al, physiological, or psychological conditions, including, but not limited  
isted living establishments as defined in Section 4-6-100(a), long-term  
ilities as defined in Section 4-6-100(a), adult family care homes as  
d in Section 4-6-100(a), hospitals, rehabilitation hospitals, weight

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“Private club” means a not-for-profit association that (1) has been in active and continuous existence for at least three (3) years prior to January 1, 2008, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, “private club” means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. § 501; and

“Private residence” means the part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

“Professional, collegiate, high school or organized amateur sporting events” includes: (1) baseball, softball, football, basketball, track and field, and soccer; and (2) any other game or other athletic competition organized by a league or association of persons.

“Public place” means that portion of any building or vehicle used by  
open to the public, regardless of whether the building or vehicle is owned  
whole or in part by private persons or entities, the County of Douglas, or  
other public entity and regardless of whether a fee is charged for  
admission, including a minimum distance of 15 feet from entrances, exits,  
windows that open, and ventilation intakes that serve an enclosed area  
where smoking is prohibited. A “public place” does not include a private  
residence unless the private residence is used to provide licensed child care,  
elder care, or other similar social service care on the premises. A “public  
place” includes, but is not limited to, hospitals, restaurants, retail stores,  
offices, commercial establishments, elevators, indoor theaters, libraries,  
theaters, concert halls, public conveyances, educational facilities, nursing  
homes, auditoriums, enclosed or partially enclosed sports arenas, meeting  
rooms, schools, exhibition halls, convention facilities, polling places, private  
clubs, gaming facilities, all government owned vehicles and facilities,  
including buildings and vehicles owned, leased, or operated by the County of  
Douglas or County subcontract, healthcare facilities or clinics, enclosed  
shopping centers, retail service establishments, financial institutions, ticket  
booths, public hearing facilities, public restrooms, waiting areas, lobbies, bars,  
cafeterias, bowling alleys, skating rinks, reception areas, and no less than 75%  
of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and

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“Smokeless tobacco” means any product that contains cut, ground, powdered, or leaf tobacco and is intended to be placed in the oral or nasal cavity, including but not limited to, snuff chewing tobacco, dipping tobacco, dissolvable tobacco products and snus; and

“Theatre actor” means an individual in the process of presenting an artistic representation of real or imagined events in front of a live audience, or in the process of rehearsing to do the same. The term “theatre actor” applies to both women and men; and

“Use of smokeless tobacco” means the placing of any smokeless tobacco in the oral or nasal cavity; and

"Vape" means to breath in nicotine, especially using an e-cigarette; vape another drug as vapor rather than smoke, especially using an e-cigarette.

**SECTION 2.** Smoking in public places, places of employment and governmental vehicles prohibited.

Unless an exemption contained in Section 6 of this Ordinance specifically applies, no person shall smoke in a public place or in any place of employment. No person may smoke in any vehicle owned, leased, or operated by the County of Douglas.

**SECTION 3.** Posting of signs; removal of ashtrays.

(a) “No Smoking” signs or the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a

red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this chapter by the owner, operator, manager, or other person in control of that place; and

(b) Each public place and place of employment where smoking is prohibited by this chapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited; and

(c) All ashtrays shall be removed from any area where smoking is prohibited by this Chapter by the owner, operator, manager, or other person having control of the area.

**SECTION 4.** Designation of other nonsmoking areas.

Notwithstanding any other provision of this Ordinance, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of a 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 subsections (a) and (b) of Section 3 of this Ordinance.

**SECTION 5.** Use of smokeless tobacco at sites for sporting events prohibited.

(a) No person shall use smokeless tobacco at an event site for professional, collegiate, high school or other game or other athletic



competition organized by a league or association of persons or organized amateur sporting events; and

(b) Persons having the authority to manage and control an event site for professional, collegiate, high school or organized amateur sporting events shall post at every entrance a conspicuous sign clearly communicating that the use of smokeless tobacco is prohibited. Such signs shall also be posted in all dugouts, bullpens, training rooms, locker rooms, press boxes, television and radio broadcast booth and bathrooms; and

(c) A person, corporation, partnership, association or other entity who violates any provision of this section shall be fined pursuant to this section. Each day that a violation occurs is a separate violation.

(d) A person who uses smokeless tobacco at an event site for professional, collegiate, high school or organized amateur sporting events shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls an event site for professional, collegiate, high school or organized amateur sporting events that violates any provision of this chapter shall be fined (i) not less than \$250 for the first violation, (ii) not less than \$500 for the second violation within one year after the first violation, and (iii) not less than \$2,500 for each additional violation within one year after the first violation and a 60-day suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(d) A third report of an alleged violation (within a 12-month period) triggers an inspection by the Health Department. Fines start at \$250 and can reach \$2,500 per offense for repeat offenders (building or business owners/operators who allow the law to be violated on their premises.)

**SECTION 9.** Discrimination prohibited.

No individual may be discriminated against in any manner because of the exercise of any rights afforded by this chapter. 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 chapter or reports or attempts to prosecute a violation of this chapter.

**SECTION 10.** Construction with other code provisions.

No reference or omission in this chapter shall be construed to allow smoking if otherwise restricted or prohibited by other code provisions.

**SECTION 11.** Rules.

The Department of Public Health is authorized to adopt rules necessary for the administration of this Ordinance.

**SECTION 12.** Effective date.

This Ordinance shall be in full force and effect, after its passage and publication in pamphlet form, in accordance with law

**PASSED AND ADOPTED BY THE COUNTY BOARD OF DOUGLAS**

**COUNTY ON THIS 19<sup>th</sup> DAY OF February 2020.**

AYES: 7 NAYS: 0  
PRESENT: 7 ABSTAIN/ABSENT 0

Signed:

Don Munson  
Don Munson, Chairman Douglas County Board

ATTEST:

Judi Pollock  
Judi Pollock, County Clerk and Recorder  
of Douglas County, Illinois