

AN ORDINANCE REGULATING SMOKING
IN THE CITY OF URBANA

WHEREAS, the Surgeon General of the United States has declared smoking to be harmful to the health of individuals; and

WHEREAS, smoke from cigarettes, cigars, and pipes often causes non-smokers to have allergic or irritative reactions; and

WHEREAS, the potential of fire from smoking creates hazards to individuals and property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA THAT:

Section 1. Purpose

The purpose of this ordinance is to protect the public health, comfort and environment by prohibiting smoking in public places and at public meetings except in designated smoking areas.

Section 2. Definitions

Public meeting. All meetings open to the public pursuant to the Illinois Open Meetings Act, Illinois Revised Statutes, Chapter 102, Sections 41 et. seq.

Public place. Any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas and meeting rooms, but excluding private enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.

Smoke or Smoking. Includes carrying a lighted cigar, cigarette, pipe or any other lighted smoking equipment.

Section 3. Prohibitions

A. No person shall smoke in a public place or at a public meeting except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the public place. Furthermore, this prohibition shall not apply to factories, warehouses and similar places of work not usually

frequented by the general public, except where the close proximity of workers or the inadequacy of ventilation, as determined by the health officer, causes smoke pollution detrimental to the health and comfort of nonsmoking employees.

B. In addition to the prohibitions of subsection (A) above, no person shall likewise smoke in any designated smoking area at a public meeting of any legislative, executive, administrative or advisory bodies of the City of Urbana including its boards and commissions whenever any person present at such a meeting raises objection thereto.

Section 4. Designation of smoking areas

A. Smoking areas may be designated by proprietors or other persons in charge of public places, except in places where smoking is prohibited by the Illinois Department of Law Enforcement or any local official acting under its direction or by any other law, ordinance or regulation.

B. Where smoking areas are designated, existing physical barriers and ventilation systems shall be used to minimize the toxic effect of smoke in adjacent non-smoking areas. In the case of public places consisting of a single room, the provisions of this ordinance shall be considered met if one side of the room is reserved and posted as a no-smoking area. No public place other than a bar shall be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation shall be posted conspicuously on all entrances normally used by the public.

Section 5. Responsibility of Proprietors

The proprietor or other person in charge of a public place covered by this ordinance shall make reasonable efforts to regulate smoking in the public place by:

- A. conspicuously posting appropriate signs;
- B. arranging seating to provide a smoke-free area;
- C. asking smokers to refrain from smoking in a non-smoking area upon request of a client or employee suffering discomfort from the smoke; or
- D. any other legal means which may be appropriate.

Section 6. Rules and regulations

The Mayor shall adopt rules and regulations necessary and reasonable to implement the provisions of this ordinance, except as provided for in Section 3, and any violation of any rule or regulation so adopted shall be considered a violation of this ordinance.

Section 7. Penalties

A. Any person violating Section 3 of this ordinance shall be fined Five Dollars (\$5.00) for each such violation.

B. Any proprietor or other person in charge of a public place covered by this ordinance who is convicted of violating Sections 4 or 5 of this ordinance shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00).

Section 8. Severability

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

This ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

This ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called of a majority of the members of the City Council of Urbana at a regular meeting of said council.

PASSED by the City Council this 21st day of June, 1976.

Duane Eckerty
Duane Eckerty, City Clerk

APPROVED by the Mayor this _____ day of _____, 1976.

Hiram Paley, Mayor

CERTIFICATE OF PUBLICATION

I, Duane Eckerty, City Clerk of the City of Urbana, Illinois, do herewith certify that I caused the above ordinance to be duly published in the _____ on the _____ day of _____, 1976, and a Certificate of Publication is attached hereto.

Duane Eckerty, City Clerk

Information Note on Ordinance No. 7576-114

The Mayor did not sign this Ordinance. At the next regular Council meeting, the Council asked for reconsideration of the entire Ordinance, Section 3B in particular. (scheduled for the September 7 meeting.) The Ordinance was not published and therefore, is not a law.