



ORDINANCE 0410-2020

ORDINANCE ESTABLISHING LIMITATIONS ON SMOKING AND TOBACCO PRODUCTS WITHIN PARKS AND OTHER PROPERTY

WHEREAS, the Harrisburg Township Park District Board of Commissioners acknowledges that second hand smoke poses a threat to the health, safety and welfare of adults and minor children; and

WHEREAS, the U.S. Surgeon General has determined that there is no safe level of exposure to tobacco smoke pollution; and

WHEREAS, the Harrisburg Township Park District desires to discourage tobacco use and promote public health;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE HARRISBURG TOWNSHIP PARK DISTRICT, SALINE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION ONE: The following terms shall have the following meanings for purposes of this Ordinance:

“District” means Harrisburg Township Park District.

“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 within partitions and no windows, exclusive of doorways that extend from the floor to the ceiling.

“Enclosed or partially enclosed park facility” means any sports pavilion, stadium gymnasium, health spa, arena, swimming pool, skating rink or other similar space where members of the public assemble to engage in physical exercise or participate in athletic or recreational activities or to witness sports, cultural, recreational or other events and which constitutes an enclosed or partially enclosed sports arena under the Smoke Free Illinois Act (410 ILCS 82/1, et seq.).

“District Property”, means all of the property, real and personal, of every kind and description located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District including without limitation every building, shelter, restroom, street, sidewalk, trail, path, park, playground, wilderness or open space, or other public or proprietary place or facility and all District Waters located on or adjacent to or flowing over property located within the jurisdiction of, or owned, administered, leased or licensed by, or otherwise in the possession or under the control of the District.

“Park licensed property” means any District Property and/or Park Facility, or portions thereof which is leased to a private third party individual or entity or to which a private third party individual or entity has been granted a license or permit by the Park District to use all or a portion of District Property and/or enclosed or partially enclosed Park Facilities.

“Smoke” or “smoking” means the carrying, smoking, burning, vaping, inhaling or exhaling of any kind of lighted pipe, cigar, cigarette, electronic cigarette, vape, hookah, tobacco, alternative tobacco or nicotine product, weed, herb, or use of any kind of smoking equipment.

“Tobacco” is defined to include any lighted or unlighted cigarette, including but not limited to clove, bidis, or kreteks, electronic or e-cigarettes, cigars, cigarillos, pipes, hookah products, and any other smoking products; and any smokeless, spit or spit-less, dissolvable or inhaled tobacco products, including but not limited to dip, chew, snuff or snus, in any form; and all nicotine delivery devices that are not FDA-approved as cessation products.

“Alternative tobacco or nicotine product” includes synthetic tobacco products which are intended to replicate tobacco and tobacco products.

“Electronic cigarette” or “vape” means any electronic device that provides a gas or vapor derived from nicotine and/or other chemicals and inhaled by the user simulating smoking. The term “electronic cigarette” or “vape” includes electronic cigars, electronic pipes, electronic hookah pipes, vape pens, advanced personal vaporizers, box mods or other devices capable of delivering aerosolized nicotine alternative tobacco or nicotine products or other chemical through inhalation.

“Smoke” or “smoking” does not include smoking that is associated with a native recognized religious ceremony, ritual or activity by American Indians that is in accordance with the federal American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a, for which all applicable federal, state, county, local and Park District permits, if any, have been procured.

The definitions of “enclosed or partially enclosed sports arena” and “public place” set forth in Section 10 of the Smoke Free Illinois Act (410 ILCS 82/10) are hereby adopted and are expressly incorporated herein and made a part of this Ordinance by reference.

SECTION TWO: The use of tobacco products is prohibited on or within 15 feet of all District Property.

Smoking on District Property, Park licensed property, on or in Park Facilities, Sports Fields and in enclosed facilities on District Property, enclosed or partially enclosed Park Facility, or in a building or enclosed area on District Property or Park licensed property, or in an enclosed or partially enclosed Park Facility, is prohibited, unless it is expressly exempt under Section Three. No person shall smoke on District Property, on any Park licensed property, on or in any Park Facility, on any Sports Field, in any building or enclosed facility on District Property, or in any enclosed or partially enclosed Park Facility, unless it is expressly exempt under Section Three.

Smoking in or on any District motorized vehicle, machine or equipment is prohibited. No person shall smoke in or on any motorized vehicle, machine or equipment which is owned, leased or operated by the District.

Signs indicating "No Smoking" shall be appropriately posted in accordance with the Smoke Free Illinois Act (410 ILCS 82/20). Other signs indicating awareness of this Ordinance may be posted as determined by the District.

SECTION THREE: Notwithstanding any other provisions of this Ordinance, smoking tobacco products is only allowed in the following areas on District Property:

- Parking Lot Areas a minimum of 15 feet away from any other District Property and not in conflict with the Smoke Free Illinois Act

SECTION FOUR: Any person violating the provisions of this Ordinance shall first be given a warning. A person found guilty of further violations shall be subject to revocation of any permit issued by the District, and in addition, may be fined up to \$100 for any subsequent violations during the calendar year.

SECTION FIVE: All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed.

SECTION SIX: This ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED THIS 10TH day of April, 2020.

AYES: 3

NAYS: 0

ABSENT: 0

APPROVED THIS day of April 10, 2020.

Richard Rumsey
Richard Rumsey, President

Doug Emery
Doug Emery, Vice President

4/10/2020
Date Signed

ATTEST:

Michael Williams
Michael Williams, Secretary/Treasurer