

ORDINANCE NO. 11/12-5

**AN ORDINANCE ESTABLISHING LIMITATIONS
ON USE OF TOBACCO PRODUCTS ON PARK PROPERTY**

WHEREAS, the Board of Park Commissioners (“Board”) of the Gurnee Park District (“District”) has the authority pursuant to the Park District Code (70 ILCS 1205/8-a (d) and (e)) to adopt rules and regulations governing the conduct of persons using the Park System and to prescribe fines and penalties for violations thereof; and

WHEREAS, the Smoke Free Illinois Act (410 ILCS 82/1 *et seq.*) prohibits the use of lighted tobacco products in public indoor spaces, and within 15 feet of entrances to, windows in, or ventilation intakes for, such indoor spaces, and authorizes the District to further regulate the use of lighted tobacco products; and

WHEREAS, the Board believes that the use of any tobacco products in the proximity of youth and adults engaging in or watching outdoor recreational activities at District parks is detrimental to their health and can be offensive to others; and

WHEREAS, The Board believes that parents, leaders and officials are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, prohibiting the use of all tobacco products will protect the health of children as well as enhance the experience of Park District patrons, participants and spectators;

NOW, THEREFORE, BE IT ORDAINED by the Board of Park Commissioners of Gurnee Park District, Lake County, Illinois as follows:

SECTION ONE: Use of Tobacco Products prohibited

The use of any tobacco product is prohibited within all buildings, facilities and vehicles owned, leased, or otherwise in the possession or under the control of the Park District, or within 15 feet of facility entrances/exits, windows that open and ventilation intakes.

The use of any tobacco product is also prohibited on or within twenty-five (25) feet of any Gurnee Park District playground, sports field, skate park, shelter or structure including the area around the Viking Park Summer Kitchen, band shell, and at any Gurnee Park District outdoor special event.

SECTION TWO: Definition

Tobacco is defined to include any lighted or unlighted cigarette (clove, bidis, kreteks), e-cigarettes, cigars, cigarillos, pipes, hookah products; and any other smoking product; 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 (orbs, sticks, strips, pellet, etc.); and all nicotine delivery devices that are not FDA-approved as cessation products.

SECTION THREE: Penalties for Violation

A person who violates any provision of this Ordinance shall be given a warning for the first offense within any 12-month period. A person who violates this Ordinance on two or more occasions within any 12-month period shall be fined as follows: 2nd offense: Twenty Five Dollars (\$25.00); 3rd offense Fifty Dollars (\$50.00), 4th offense Seventy Five Dollars (\$75.00); 5th or subsequent offense within any 12-month period One Hundred Dollars (\$100.00). The maximum fine for any single violation of this Ordinance shall be One Hundred Dollars (\$100.00). In addition to a fine, any person holding a Park Permit issued by the District shall be subject to revocation of said Permit.

SECTION FOUR: Enforcement

The Police of the Village of Gurnee, Illinois, shall be and hereby are authorized and empowered to enforce this and all park ordinances. This Ordinance shall not be construed to create any duty of the District, its officers, commissioners or employees.

SECTION FIVE: Effective Date

This Ordinance shall take effect and be in force ten (10) days after the date of its passage. This Ordinance shall be included in the Ordinance Code of the Gurnee Park District, Chapter III Use of Parks, Section B General Rules, as item #23.

PASSED this 17th day of April, 2012 by the affirmative vote of three fifths of the Board of Park Commissioners.

AYES: Crews, Goshorn, Klemz, Paddock and Baker

NAYS: none

ABSENT: none

ABSTAIN: none

APPROVED this 17th day of April, 2012.

Libby A Baker
Libby A. Baker, President
Board of Park Commissioners

ATTEST:
[Signature]
James G. Goshorn, Secretary
Board of Park Commissioners