

RESOLUTION 49-98
Ordinance No. 98-58

A RESOLUTION IMPLEMENTING THE ILLINOIS CLEAN INDOOR AIR ACT

BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CHATHAM, SANGAMON COUNTY, ILLINOIS, AS FOLLOWS:

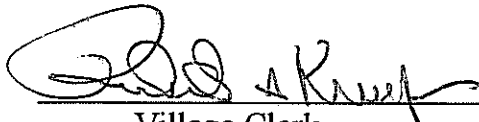
SECTION 1: The Village Administrator is and directed to implement the provisions of the Illinois Clean Indoor Air Act with respect to Village-owned property. A copy of that Act is attached hereto.

SECTION 2: This Resolution is effective upon its passage and approval.

PASSED this 8 day of Sept, 1998.


VILLAGE PRESIDENT

ATTEST:


Village Clerk

AYES: 6
NAYS: 0

PASSED: _____
APPROVED: _____

ABSENT: 0

CERTIFICATE

STATE OF ILLINOIS)
) SS.
COUNTY OF SANGAMON)

I, the undersigned, do hereby certify that I am the duly qualified and acting Village Clerk of the Village of Chatham, Sangamon County, Illinois.

I do further certify that the ordinance attached hereto is a full, true, and exact copy of Resolution No. ____-98, adopted by the President and Board of Trustees of said Village on the ____ day of _____, 1998, said resolution being entitled:

A RESOLUTION IMPLEMENTING THE ILLINOIS CLEAN INDOOR AIR ACT

I do further certify that prior to the making of this certificate, the resolution was spread at length upon the permanent records of said Village, where it now appears and remains.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Village this ____ day of _____, 1998.

Village Clerk

80/1. Short title

§ 1. This Act shall be known and may be cited as the "Illinois Clean Indoor Air Act".
P.A. 86-1018, § 1, eff. July 1, 1990.
Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8201.

Title of Act:

An Act to restrict smoking in public places and providing penalties for violations thereof. P.A. 86-1018, approved Jan. 9, 1990, eff. July 1, 1990.

80/2. Legislative findings

§ 2. The General Assembly finds that tobacco smoke is annoying, harmful and dangerous to human beings and a hazard to public health.
P.A. 86-1018, § 2, eff. July 1, 1990.
Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8202.

80/3. Definitions

§ 3. For the purposes of this Act, the following terms have the meanings ascribed to them in this Section unless different meanings are plainly indicated by the context:

- (a) "Department" means the Department of Public Health.
- (b) "Proprietor" means any individual or his designated agent who by virtue of his office, position, authority or duties has legal or administrative responsibility for the use or operation of property.
- (c) "Public Place" means any enclosed indoor area used by the public or serving as a place of work including, but not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, art museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, arenas and meeting rooms, but excluding bowling establishments and excluding places whose primary business is the sale of alcoholic beverages for consumption on the premises and excluding rooms rented for the purpose of living quarters or sleeping or housekeeping accommodations from a hotel, as defined in The Hotel Operators' Occupation Tax Act¹ and private, enclosed offices occupied exclusively by smokers even though such offices may be visited by nonsmokers.
- (d) "Smoking" means the act of inhaling the smoke from or possessing a lighted cigarette, cigar, pipe or any other form of tobacco or similar substance used for smoking.
- (e) "State agency" has the meaning ascribed to it in subsection (a) of Section 3 of The Illinois Purchasing Act.²
- (f) "Unit of local government" has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.

P.A. 86-1018, § 3, eff. July 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8203.

¹ 35 ILCS 145/1 et seq.

² 30 ILCS 505/3.

**80/4. Smoking in public places prohibited—
Exceptions**

§ 4. No person shall smoke in a public place except in that portion of a public place which may be established and posted under Section 5 as a smoking area. 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 place. Furthermore, this prohibition shall not apply to factories, warehouses

and similar places of work not usually frequented by the general public.

P.A. 86-1018, § 4, eff. July 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8204.

80/5. Smoking areas

§ 5. The elected and appointed officials of the State of Illinois and of any unit of local government and of any school district, or their designee, having control over property of the State or of a unit of local government or of a school district which includes a public place, and the proprietor of a structure which includes a public place may establish an area on the premises as a smoking area where smoking shall be permitted, unless otherwise prohibited by law or ordinance. When establishing an area as a smoking area, a person establishing such area shall utilize existing physical barriers, ventilation systems, and other physical elements of the premises to minimize the intrusion of smoke into areas where smoking is not permitted. When a public place is a single room or enclosure, a person establishing such area may satisfy the purposes and provisions of this Act by establishing a reasonable portion of the room or enclosure as a smoking area.

P.A. 86-1018, § 5, eff. July 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8205.

80/6. Enforcement

§ 6. The State or unit of local government or school district official or their designee or a proprietor and his agents in control of a place which includes a public place shall make reasonable efforts to prevent smoking in the public place outside established smoking areas by posting appropriate signs or contacting a law enforcement officer, or other appropriate means.

P.A. 86-1018, § 6, eff. July 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8206.

80/7. Violations

§ 7. A person, corporation, partnership, association or other entity, who violates Section 4 of this Act is guilty of a petty offense.

P.A. 86-1018, § 7, eff. July 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8207.

80/8. Injunctions

§ 8. The Department, a local board of health, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this Act.

P.A. 86-1018, § 8, eff. July 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8208.

80/9. Discrimination prohibited

§ 9. No individual may be discriminated against in any manner because of the exercise of any rights afforded by this Act.

P.A. 86-1018, § 9, eff. July 1, 1990.

Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8209.

80/10. Severability

§ 10. If any provision, clause or paragraph of this Act shall be held invalid by a court of competent jurisdiction, such validity shall not affect the other provisions of this Act. P.A. 86-1018, § 10, eff. July 1, 1990. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8210.

80/11. Preemption

§ 11. A home rule or non-home rule unit of local government in this State shall not have the power and authority, after the effective date of this Act, to regulate smoking in public places. Pursuant to Article VII, Section 6, paragraph (h) of the Illinois Constitution of 1970, it is declared to be the law of this State that the regulation of smoking as provided by this Act is a power which pre-empts home rule units from exercising such power subject to the limitations provided in the Act, provided that any home rule unit that has passed an ordinance concerning the regulation of smoking prior to October 1, 1989 is exempt from pre-emption. P.A. 86-1018, § 11, eff. July 1, 1990. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8211.

ACT 85. CIGARETTE HEALTH WARNING ACT

Section

- 85/1. Short title.
- 85/2. Legislative findings.
- 85/3. Definitions.
- 85/4. Display of warning signs.
- 85/5. Specifications regarding signs.
- 85/6. Penalties.

85/1. Short title

§ 1. Short title. This Act may be cited as the Cigarette Health Warning Act. P.A. 87-572, § 1, eff. Jan. 1, 1992. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8231.

Title of Act:

An Act in relation to cigarette health warnings. P.A. 87-572, approved Sept. 17, 1991, eff. Jan. 1, 1992.

85/2. Legislative findings

§ 2. Legislative Findings. The General Assembly finds that there is a need for public information about the risk of harm to unborn children when women smoke cigarettes during pregnancy. The United States Surgeon General has recommended abstinence from cigarette smoking during pregnancy. Since the adverse effects of cigarette smoking during pregnancy are preventable, the General Assembly finds that it is in the public interest to provide warnings at places where cigarettes are sold about the risks of cigarette smoking during pregnancy. P.A. 87-572, § 2, eff. Jan. 1, 1992. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8232.

85/3. Definitions

§ 3. Definitions. As used in this Act: "Cigarette vending machine" means any mechanical device used or intended to be used for retail sales of cigarettes, the operation of which is governed or controlled by the deposit of currency, a coin, or a token.

"Department" means the Department of Public Health. P.A. 87-572, § 3, eff. Jan. 1, 1992. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8233.

85/4. Display of warning signs

§ 4. Display of Warning Signs. (a) No person may sell cigarettes at retail using a cigarette vending machine unless a sign with the message "SURGEON GENERAL'S WARNING: SMOKING BY PREGNANT WOMEN MAY RESULT IN FETAL INJURY, PREMATURE BIRTH, AND LOW BIRTH WEIGHT" is displayed in plain view on the machine. (b) No person may sell or offer to sell cigarettes at retail unless a sign with the message "SURGEON GENERAL'S WARNING: SMOKING BY PREGNANT WOMEN MAY RESULT IN FETAL INJURY, PREMATURE BIRTH, AND LOW BIRTH WEIGHT" is posted in a conspicuous place upon the premises. This subsection (b) does not apply to sales of cigarettes through cigarette vending machines to which subsection (a) applies. P.A. 87-572, § 4, eff. Jan. 1, 1992. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8234.

85/5. Specifications regarding signs

§ 5. Specifications Regarding Signs. All signs required under this Act shall be printed on white cards in red letters at least one-half inch in height. All signs required to be displayed under this Act shall be in place not later than 120 days after the effective date of this Act and shall be continuously displayed thereafter. P.A. 87-572, § 5, eff. Jan. 1, 1992. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8235.

85/6. Penalties

§ 6. Penalties. Failure to display a warning sign as required by this Act is a business offense for which a fine not to exceed \$1,000 may be imposed. Each day of failure to display a warning sign as required by this Act constitutes a separate offense. P.A. 87-572, § 6, eff. Jan. 1, 1992. Formerly Ill.Rev.Stat.1991, ch. 111 ½, ¶ 8236.

ACT 87. INDOOR AIR QUALITY ACT

Section

- 87/1. Short title.
- 87/5. Findings.
- 87/10. Definitions.
- 87/15. Indoor Air Pollution Advisory Council.

87/1. Short title

§ 1. Short title. This Act may be cited as the Indoor Air Quality Act. P.A. 88-318, § 1, eff. Jan. 1, 1994.

Title of Act:

An Act in relation to the control of indoor air pollution. P.A. 88-318, approved Aug. 12, 1993, eff. Jan. 1, 1994.

87/5. Findings

§ 5. Findings. The General Assembly finds that: (1) Indoor air pollution is a serious threat to public health. The United States Environmental Protection