

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

ORDINANCE NO: 12-05

WHEREAS, the Board of Commissioners (hereinafter "Board") of the Waukegan Park District (Hereinafter "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 recreation 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.

BE IT HEREBY RESOLVED BY THE PRESIDENT AND BOARD OF COMMISSIONERS OF THE WAUKEGAN PARK DISTRICT, LAKE COUNTY, ILLINOIS:

SECTION I. Use of Tobacco Products Prohibited

No person may possess or use any cigar, cigarette, smokeless tobacco or tobacco in any of its forms while on District property.

Use of any tobacco product, including without limitation, the displaying, smoking, burning, inhaling, or exhaling of any kind is prohibited within all parks, buildings, facilities and vehicles owned, leased, or otherwise in the possession or under the control of the District, or within 15 feet of any entrance to, exit from, windows that open and ventilation intakes that serve any building, structure or facility. Tobacco is also prohibited in all wooded areas on District property, and at all other locations on District property where signs are posted prohibiting smoking.

SECTION II. Definition

Tobacco is defined to include any lighted or unlighted cigarette (clove, bidis, kreteks), e-cigarettes, cigars, cigarillos, pipes, hookah products, weed, herbs, and any other smoking product, and any smokeless, spit or spitless, 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 III. Penalties for Violation

Any person who violates any provision of this ordinance shall be subject to the following penalties:

First Offense	Written Warning
Second Offense	\$25.00
Third and subsequent Offense	\$50.00

In addition any person violating this ordinance three or more times in any 12-month period shall be subject to being banned from any District facility for a period of time to be established by the executive director, not to exceed one year.

SECTION IV.

This prohibition shall not apply on any District golf courses.

SECTION V. Enforcement

The employees of the district and Waukegan Police Department shall be and are hereby authorized and empowered to enforce this and all District ordinances. This ordinance shall not be construed to create any duty of the District, its officers, commissioners or employees.


SECTION VI. Repeal

Any ordinance in conflict with this ordinance is hereby repealed to the extent of such conflict.

SECTION VII. Effective Date

This ordinance shall be effective from and after its passage and approval.

Adopted and Approved by the Board of Commissioners of the Waukegan Park District this 13th day of June, 2012.




WILLIAM SAROCKA, President
Board of Commissioners
Waukegan Park District

AYES Commissioners Duffy, Foley, Motley and Sarocka.

NAYS None.

ABSENT AND/OR NOT VOTING Commissioner Kilkelly.

ATTEST:


CHARLES W. SMITH, Secretary