

ORDINANCE 17 – 11 - 1P

AN ORDINANCE AMENDING THE SCHAUMBURG PARK
DISTRICT GENERAL USE ORDINANCE

BE IT ORDAINED by the Board of Park Commissioners of the Schaumburg Park District, Cook County, Illinois, as follows:

SECTION ONE: That Section 4.30 entitled "Smoking" of Ordinance No. 14-6-5P, the General Use Ordinance of the Schaumburg Park District, is hereby repealed.

SECTION TWO: That Ordinance 14-6-5P, the General Use Ordinance of the Schaumburg Park District is hereby amended to add new Section 4.30 "Smoking", as follows to replace Section 4.30 repealed in Section One of this Ordinance:

Section 4.30 Smoking. The following terms shall have the following meanings for purposes of this Section:

"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.*).

"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, herbs, or use of any kind of smoking equipment. "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.

- a. 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 subsection d. of this Section 4.30. 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 d. of this Section 4.30.
- b. Intentionally Omitted.
- c. Smoking in any Park District vehicle or on any Park District motorized equipment is prohibited. No person shall smoke in any vehicle or on any motorized equipment which is owned, leased or operated by the Park District unless specifically exempt under subsection d. of this Section 4.30.
- d. Notwithstanding any other provisions of this Section 4.30 of this Ordinance, smoking is only allowed in the following areas on District Property and in the following Park District vehicles, which are exempt from the prohibition against smoking as set forth in subsections a. and/or c. of this Section 4.30:
 - (1) On the Schaumburg Golf Club golf course and in golf carts operated at the Schaumburg Golf Club, or in the parking lot on the Schaumburg Golf Club property.
 - (2) On the Walnut Greens Golf Course and in golf carts operated at the Walnut Greens Golf Course, or in the parking lot on the Walnut Greens golf course property.
 - (3) In designated outdoor smoking areas immediately adjacent to the clubhouse at the Schaumburg Golf Club which have been conspicuously posted and marked to allow for smoking.

(4) In designated outdoor smoking areas immediately adjacent to the clubhouse at the Walnut Greens Golf Course which have been conspicuously posted and marked to allow for smoking.

SECTION THREE: SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION FOUR: REPEAL OF PRIOR ORDINANCES. All prior Ordinances and Resolutions in conflict or inconsistent herewith are hereby expressly repealed only to the extent of such conflict or inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall be in full force and effect on January 1, 2018, upon its passage and approval.

ROLL CALL VOTE:

AYES: *Commissioners Daniels, Longmeyer, Johnson, Schmidt & DiMarzio*
NAYS: *None*
ABSENT: *None*

PASSED: November 9, 2017
APPROVED: November 9, 2017



President

ATTEST:


Secretary

CERTIFICATION

I, the undersigned, do hereby certify that I am the Secretary of the Schaumburg Park District, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 17-11- _____ enacted on November 9, 2017 and approved on November 9, 2017, as the same appears from the official records of the Schaumburg Park District.


Secretary