

ORDINANCE NO. F-1786

**AN ORDINANCE AMENDING THE
CODE OF ORDINANCES OF THE CITY OF WHEATON:
SMOKE-FREE AIR REGULATIONS**

WHEREAS, the City of Wheaton (“City”) is an Illinois Home Rule Municipality pursuant to provisions of Article VII, Section 6, of the Illinois Constitution, and as such the City may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the subject matter of this ordinance pertains to the public health of the City and its residents; and

WHEREAS, the City Council of the City of Wheaton, Illinois adopted the Wheaton Smoke Free Air Ordinance in January 2007 to protect residents from secondhand smoke in enclosed public places and designated unenclosed public places; and

WHEREAS, the City of Wheaton’s public library parcel is adjacent to and an extension of Adams Park, which was designated a smoke-free unenclosed public place by the Wheaton Smoke Free Air Ordinance; and

WHEREAS, it is the desire of the City Council to extend the Adams Park smoke-free designation to the public library parcel.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Wheaton, Illinois that the Wheaton City Code 1996 is hereby amended to provide as follows:

Section 1: That Section 52-5 “Prohibition in unenclosed public places and outdoor venues,” of Chapter 52 Smoke Free Air Regulations, is hereby amended by repealing subsection (a) in its entirety and replacing it with a new subsection (a) which shall read as follows:

- “(a) It shall be unlawful to smoke in the following unenclosed public places:
- (1) All outdoor events and venues.
 - (2) Adams and Memorial Parks.
 - (3) All parcels of land within the Wheaton Public library campus.
 - (4) Public sidewalks within 25 feet of a public entrance.
 - (5) Public sidewalks within 25 feet of an open air dining area.”

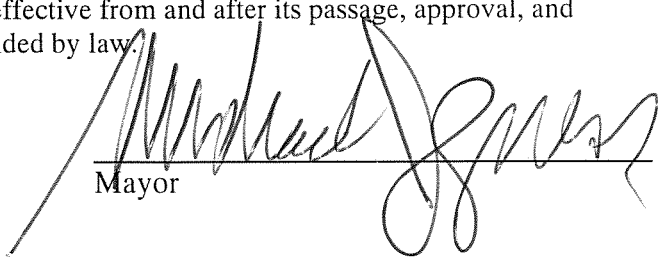
Section 2: That Section 52-1-10 “Signs,” of Chapter 52 Smoke-Free Air Regulations, is hereby amended by deleting the first sentence of subsection (a) in its entirety and replacing it with the following:

- “(a) Each owner, lessor, lessee, employer, or other person in control of a public place shall post conspicuous “No Smoking” signs in the area of any public place where smoking is prohibited.”

Section 3: All ordinances and parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed to the extent of any such conflict or inconsistency.

Section 4: That if any part or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remainder of this ordinance.

Section 5: This ordinance shall become effective from and after its passage, approval, and publication in pamphlet form in the manner provided by law.



Mayor

ATTEST:



City Clerk

Roll Call Vote:

Ayes: Councilman Sues
Councilman Prendiville
Councilman Rutledge
Councilman Saline
Mayor Gresk
Councilwoman Pacino Sanguinetti
Councilman Scalzo

Nays: None

Absent: None

Motion Carried Unanimously

Passed: May 19, 2014
Published: May 20, 2014