

Chapter 11- Health Regulations

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Article 1 – Garbage and Refuse (*Revised Ord. 2004-16*)

1101 Definitions

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Bulk Items. Any refuse which is too large to fit into an approved refuse container and which combined with any other refuse that is too large to fit into an approved container exceeds, in total, fifty (50) pounds in weight. Examples of bulk items include beds, sofas, large tables and chairs, dressers, televisions (except plasma TVs), bookcases, mattresses and box springs, other large household furniture, and large appliances that do not contain CFC or HCFC refrigerant gas, PCB containing capacitors, mercury switches, or other hazardous components. White Goods are not bulk items.

Collection Trucks. Trucks and other motor vehicles operated by Village Hauler in the collection of solid waste in the Village. Street sweepers are considered to be collection trucks.

Container. A landscape waste container, refuse container or recyclable cart.

Curbside.

- A. In areas with conventional curbs, "curbside" shall refer to placement of refuse, recyclables and landscape waste behind the curb and within the parkway area.
- B. In those areas without conventional curbs, "curbside" shall refer to the placement of refuse, recyclables and landscape waste at a reasonable distance, i.e., not closer than two feet, nor further than five feet from the pavement.
- C. In those areas with alleys, "curbside" shall refer to the placement of refuse, recyclables and landscape waste at the alley curb.

Curbside Collection Service. The collection of solid waste from a curbside in front of or adjacent to a residence or from an alley that is adjacent to a residence.

Garbage. All organic or kitchen wastes typically generated in a household, such as rejected or unused food and food residues, paper used in wrapping food, household rubbish, inorganic and incombustible household waste (i.e., cans, metal ware, broken glass, crockery, stoneware, and similar waste resulting from the regular operation of the household), empty cartons and crates, discarded toys, discarded clothing and light furniture, un-recyclable plastics, and similar material. Containers with lids removed and completely dried or empty of any paint, stain, solvents, motor oil, antifreeze, pesticides, or other chemicals. Sod. Garbage shall not include waste from any manufacturing process, construction material, broken concrete, lumber, large rocks, and other similar material.

Hazardous Waste. Waste, in any amount, which is defined, characterized or designated as hazardous by the United States Environmental Protection Agency or appropriate state agency by, or pursuant to, federal or state law; or waste in any amount, which is regulated under federal or state law. For purposes of this Contract, the term "Hazardous Waste" shall also include motor oil, gasoline, and paint.

Household. Households include all single-family units that utilize curbside collection service.

Household Construction and Demolition Debris. Waste materials from “do-it-yourself” interior and exterior household construction, remodeling, and repair projects, including, but not limited to, drywall, plywood, paneling, lumber, and other building materials, cabinets, carpeting and disassembled household fixtures.

Landscape Waste. Grass, brush, garden clippings, leaves, small shrubs, weeds, garden and household plant materials, flowers and branches and limbs not to individually exceed four (4) feet in length and one (1) inch in diameter, and Christmas trees and wreaths. Also, small amounts of earth, clay, sand, concrete, rocks, and similar materials. Sod, trees, stumps and roots are not landscape waste.

Landscape Waste Containers – Landscape Waste Containers. Include any of the following:

- A. **Garbage Can.** A plastic can of a capacity not less than four (4) gallons and not to exceed thirty-four (34) gallons in size and/or fifty (50) pounds in weight when full.
- B. **Kraft Paper Bag.** A special biodegradable paper bag, not to exceed thirty-three (33) gallons in size, which shall shred and degrade quickly in the composting process.
- C. **Bundle.** Limbs, branches, or other loose items that do not exceed four (4) feet in length and fifty (50) pounds in weight; provided that each branch shall not exceed one (1) inch in diameter, with the total diameter of the bundle not to exceed twenty-four (24) inches.

Medical Waste. Medical syringes and needles placed in a “Sharps” or similar hard plastic container, bandages, and similar items used in the care, examination or treatment of diseases, chronic physical conditions or injuries.

Recyclables or Recyclable Materials. Materials that have a useful second life in the economic cycle if they are successfully collected, separated, processed and marketed for return to the economic mainstream. Recyclable materials shall include newspapers, wrapping paper, brown paper bags, magazines, telephone books, catalogs, junk mail -- brochures, advertisements, flyers, post cards, greeting cards, window envelopes, file stock, file folders, and other similar correspondences; cardboard, chipboard/paperboard -- cereal boxes, clothing boxes, tissue boxes, shoe boxes, paper tubes, etc.; wet strength carrier stock -- paperboard containers with special coatings to prevent tearing of the packages or smearing of the ink from moisture when refrigerated or frozen; i.e. paper beverage

cartons, and clean frozen food packages; soda and beer cases; mixed or miscellaneous paper products - stationary, computer paper, notebook paper, typing paper, letterhead, index cards, computer cards, bond envelopes, post-it notes, and other similar paper products; tin, steel, and bi-metal beverage and food cans, aerosol cans, aluminum cans, aluminum foil and foil products and containers, plastics #1-7, PET, PETE, HDPE, V, LPDE, PP, PS, multi-pack plastic rings; clear, green, blue, and brown glass including bottles and jars; and any other items the Village and Village Hauler agree to recycle in the future.

Recycling Cart. A thirty-five (35) or sixty-four (64) gallon wheeled plastic container, supplied by Village Hauler, with a tight-fitting top, requiring a semi-automatic lifting mechanism for collection and containing identifying markings as being for the collection of recyclables.

Refuse. Garbage, white goods, household construction and demolition debris, and bulk items. Landscape waste, hazardous waste, and recyclables are not refuse.

Refuse Container. Refuse containers include any of the following:

- A. **Garbage Can.** A plastic can of a capacity not less than four (4) gallons and not to exceed thirty-four (34) gallons in size or fifty (50) lbs. in weight when full.
- B. **Garbage Bag.** A plastic bag of a capacity not to exceed thirty-three (33) gallons in size.
- C. **Cart.** A ninety-six (96) gallon wheeled plastic container with a tight-fitting top, requiring a semi-automatic lifting mechanism for collection.
- D. **Bundle.** Any refuse, such as wood, boxes or other loose items, which do not exceed four (4') feet in length or 50 lbs and which are tied together.

Resident. The head of household or equivalent or the spouse of a head of household or equivalent who resides in a residential dwelling unit in the Village.

Residential, Residence or Residential Dwelling Unit. Single-family residence.

Solid Waste – Refuse, landscape waste, and recyclables. Solid waste does not include uncollectibles.

Tag. A “one-time use” label which identifies that the fees associated with the collection and disposal of said items have been prepaid.

Uncollectible. Hazardous waste, medical waste that does not constitute refuse, and any other toxic, hazardous, radioactive, and bio-hazardous materials such as, but not limited to, computers and computer components, automotive batteries, paint, insecticides, oil, gasoline, antifreeze, or their containers. Trees, tree stumps and tree roots are uncollectibles.

Village Hauler. Any firm, partnership or corporation engaged in the collection of refuse, debris, yard wastes, and recyclables under a contract with the Village to provide such services to its residents.

White Goods. Any domestic and/or commercial large appliance that contains CFC or HCFC refrigerant gas, PCB containing capacitors, mercury switches, or other hazardous components. Examples include, but are not limited to, refrigerators, freezers, air conditioners, ranges (both electric and gas), humidifiers, dehumidifiers, water heaters, water softeners, furnaces, plasma TVs, and other similar large appliances.

1102 Residential Refuse Program

1102.1 **Program Established.** The Village Board finds that it is good public policy that (1) a common and consistent program of refuse removal under the control of the Village be provided to its residents to provide economies of scale relative to costs, as well as to reduce the wear and tear on its streets caused by the traversing of heavy collection vehicles; and (2) that the amount of solid waste being landfilled should be reduced. Therefore, there is hereby established a solid waste collection program that consists of refuse removal, a recycle program for the separation of recyclables from refuse, and a yard waste collection program for all dwelling units in the Village. A single Village Hauler shall therefore be engaged by the Village by contract for such services at any one time.

1102.2 **Scope of Program.** All refuse, recyclables and yard waste generated in each single family residence in the Village shall be picked up only by the Village Hauler and all single family residences that utilize curbside collection service shall be required to use the Village Hauler's service. The minimum services of the program shall consist of unlimited weekly curbside collection of garbage and recyclables placed in approved containers, one bulk item per single-family residential unit per week, and household construction and demolition debris of up to two (2) cubic yards per week, with the yard waste collection program optional. Every single-family residential dwelling unit shall be entitled to once weekly collection of refuse, recyclables and yard waste (except that yard waste collection shall be seasonal only as established by the Village's contract with the Village Hauler). A recycling cart is the only container into which recyclables can be placed for collection. All carts must be approved by and/or supplied by the Village Hauler. Garbage cans containing refuse for collection shall not exceed fifty (50) pounds in weight. White goods may not be put in any container that is set out for collection. Landscape waste must be in an approved container, either a Kraft (paper) type 33-gallon bag not exceeding fifty (50) pounds in weight, a plastic can not exceeding thirty-four (34) gallons and fifty (50) pounds (can must be marked "yard waste only" or "landscape only" and the lid must be removed when at the curb); or a ninety-six (96) gallon cart provided by Village Hauler for a fee.

There shall be no collection of any solid waste from any commercial, industrial, or multi-family residential dwelling unit by the Village Hauler; however, all commercial, industrial and multi-family residential dwelling units shall make private arrangements for the collection and disposal of solid waste in a prompt and sanitary manner. Such arrangements shall comply with all laws, local, state and federal governing private scavengers.

1102.3 **Time and Day of Collection.** Collections shall be made between the hours of 7:00 a.m. and 5:00 p.m. The Village Hauler shall not be obligated to collect any solid waste which is not set out at curbside prior to 7:00 a.m. on the scheduled day of collection. Collection of all solid waste shall be conducted from all single-family residences within the Village weekly on the scheduled day. When a holidays falls within the collection week, the collection for that week may be the day after the regularly scheduled collection day.

1102.4 **Bulk Refuse, White Goods Pickup.** The Village Hauler shall furnish a collection service for bulk refuse and white goods as part of the collection service. Said items shall be placed at the curb or along side approved containers by the resident on his/her regular pickup day for collection. The Village Hauler may require a resident to arrange for a special pick up where there is more than one item of bulk to be picked up. The resident may be responsible for an additional cost if there is more than one item of bulk refuse per regular collection.

The pickup of white goods shall not be included in the minimum service, but shall be specifically contracted for between the Village Hauler and the resident. Each resident shall be responsible to pay for any service requested of and provided by the Village Hauler, in addition to the minimum. With respect to white goods, the Village Hauler shall be responsible for the use of collection and disposal methods pursuant to state and federal laws. The cost of such specifically contracted collection service shall be governed by the Village's contract with the Village Hauler.

1103 Storage and Preparation of Refuse, Recyclables, Yard Waste and Debris

1103.1 **Storage and Preparation of Refuse for Collection.** All refuse intended for collection shall be stored in such a manner as to prevent a nuisance. No refuse of any description shall be placed or stored in an uncovered receptacle. It shall be the duty of the owner, tenant, occupant or person in control of the premises of all single-family residential dwelling units to maintain such receptacles in good repair and to store refuse properly therein. Refuse shall be deposited in approved containers as described in this Article, and containers shall be shut or secured in such a fashion as to prevent any leaking, blowing, spilling or scattering of contents when stored outside.

- 1103.2 **Waste Accumulation.** It shall be unlawful to cause to accumulate in any area, refuse, debris or other solid waste of any kind, or to allow remaining on any premises any solid waste of any kind in such quantities and in such condition as to constitute an undesirable nuisance or public health hazard.
- 1103.3 **Yard Waste Accumulation.** It shall be unlawful to cause to accumulate in any area, yard waste, including leaves, grass, underbrush, branches or other combustible matter on any property in such quantities and in such condition as to constitute an undesirable nuisance, a public health hazard, or a public safety or fire hazard.
- 1103.4 **Preparation of Recyclables for Collection.** Residents must use the 64 or 35 (available to senior citizens only) gallon cart supplied by the Village Hauler to place recyclable materials at the curbside for collection. It shall be unlawful for any person to use their own containers for recycling. The Village Hauler shall not impose any additional charge on either the Village or a resident for curbside recycling service. The Village Hauler shall provide one new cart to each new resident who has not previously been a customer of the Village Hauler.

1104 Preparation of Yard Waste Collection

It shall be unlawful for any person within the Village to deposit or place for collection any yard waste at the curbside, unless said waste is properly prepared as follows:

- 1104.1 Landscape waste must be in an approved container, either a Kraft (paper) type 33 gallon bag not exceeding 50 pounds in weight, a plastic can not exceeding 34 gallons and 50 pounds (said can to be marked "yard waste only" or "landscape only") and the lid must be removed when at the curb; or a 96 gallon cart which shall be provided by Village Hauler for a fee. Branches and tree limbs must be tied in bundles which are not more than 4 feet in length and 2 feet in diameter and may not weigh more than 50 pounds. No one branch may exceed 1 inch in diameter. One landscape waste collection tag must be affixed to each branch and tree bundle. All leaves must be placed either in Kraft bags or 34 gallon or less rigid containers with one landscape waste collection tag attached to each bag or container.
- 1104.2 Yard waste shall not be commingled with any other refuse or recyclable materials as defined in this Article.

1105 Hazardous Waste

It shall be unlawful for any person within the Village to deposit or place for collection any hazardous waste as that term is defined in this Article.

1106 Curbside Collection and Interference

1106.1 Requirements for Curbside Collection.

- A. All approved containers for curbside collection of refuse, recyclables and yard waste shall be placed in a location easily accessible to the Village Hauler, at curbside.
- B. It shall be unlawful to allow or cause any container of refuse or debris to stand open or uncovered at any time. Containers shall be secured in such a fashion so as to prevent any leaking, blowing, spilling or scattering of its contents when placed at curbside for collection. Recycling bins and yard waste containers may stand open or uncovered, but said materials shall be secured in such a fashion as to prevent any blowing, spilling or scattering of contents when placed at curbside for collection.
- C. It shall be unlawful to allow or permit any refuse container, yard waste bag or bundle or recycling bin to stand or remain on any parkway, drive, front yard, or right-of-way before 7:00 p.m. on the day preceding pickup, or after 7:00 p.m. on the day the pickup is made.

1106.2 **Unauthorized Collection or Interference.** It shall be unlawful for any person other than the Village Hauler, or other persons authorized by the Village, to disturb, collect or in any manner interfere with refuse, yard waste, recyclables, debris or other white goods placed at curbside and in public places for collection by the Village Hauler, or to interfere in any manner with any refuse or yard waste receptacle.

1106.3 **Unlawful Removal of or Damage to Recyclable Materials.** Recyclables set out at the curbside for collection shall become the property of the Village Hauler. It shall be unlawful for any person other than the Village or other persons authorized by the Village to knowingly remove or damage, or cause to be removed or damaged, any recyclables placed in or adjacent recycling bins for collection by the Village Hauler, or to remove or damage the recycling bins themselves. Any and each such collection in violation hereof from one or more locations shall constitute a separate and distinct offense punishable as hereinafter provided.

1106.4 **Unlawful Removal of or Damage to Stickers.** When used as part of any contract for solid waste collection services, it shall be unlawful to knowingly obtain or exert unauthorized control over a yard waste sticker, whether by theft, threat, deception or removal from a bag or bundle set out for collection, or to damage same.

1106.5 **Collection of White Goods.** It shall be unlawful to place white goods at curbside for collection without having made advance arrangements therefore with the Village Hauler.

1107 Charges

The owner and/or occupant of every single-family residential dwelling unit in the Village shall be responsible to pay for curbside service. Each owner and/or occupant shall be jointly and severally liable for payment of these charges and shall pay said charges upon demand.

1108 Duties of Village Residents

- 1108.1 **Location for Pickup.** All refuse, yard waste and recyclables shall be placed immediately behind the curbside. When a conflict arises concerning a specific location, the Village shall have the exclusive right to determine the final pickup point for the property in question.
- 1108.2 **Preparing Materials.** It is the responsibility of the resident to properly bag, bundle and tag, or prepare as applicable, all refuse, recyclables and yard waste as outlined in this Article.
- 1108.3 No person shall place any refuse in any street, alley, or other public place, or other public or private property whether owned by such person or not, within the Village except in proper containers for collection or under express approval granted by the Police Department, Building Inspector or other appointed official of the Village. Nor shall any person throw or deposit any refuse in any stream or other body of water.
- 1108.4 Any unauthorized accumulation of refuse on any premises is hereby declared to be a nuisance and is prohibited.
- 1108.5 No person shall cast, place, sweep or deposit anywhere within the Village any refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place, or into any other occupied premises or vacant lot within the Village.
- 1108.6 **Uncollectible Waste.** No uncollectible waste, as that phrase is defined in this Article, shall be placed in containers for regular collection.

1108.7 **Accumulation of Garbage.** The accumulation and storage of refuse, uncollectible materials, recyclables, and landscape waste on any premises for more than 14 days is hereby declared to be a public nuisance and is prohibited. The Village may arrange for the removal of said material from private property if the owner and/or occupant of such property fails or refuses to remove such material within three (3) days after being served with notice to do so. Notice by personal service or certified mail to the last owner of record shall be deemed proper notice for the purpose of this paragraph. The cost of removing said material shall be a lien upon the property affected and shall be superior to all subsequent liens and encumbrances, except tax liens. Moreover, the property owner and/or occupant that allows this unauthorized accumulation of rubbish shall be subject to fines and penalties set forth in Section 1109.

1109 Violation and Penalties

Any person, firm or corporation who violates or neglects to comply with any provision of this Article or any regulation promulgated pursuant thereto, shall, upon a finding of guilty, be assessed a fine of not less than \$250.00 no more than \$750.00 for each offense. A separate offense shall be deemed committed on each day during or on which such violation occurs or continues.

Article 2 - Other Regulations

1110 Unwholesome Food

It shall be unlawful to sell or offer for sale any unwholesome or polluted food or drink of any kind in the Village.

1111 Sanitary Regulations

All premises used in the sale or storage of food or drink intended for human consumption shall be kept in a clean and sanitary condition. It shall be unlawful to permit any person who is afflicted with a contagious disease to handle any food or drink intended for sale. Premises shall be kept free from flies and vermin of all kinds.

1112 Watercourses

It shall be unlawful and a nuisance for any person, firm or corporation to obstruct or pollute any watercourse or source of water supply in the Village.

1113 Pools

Any stagnant pool of water in the Village is hereby declared to be a nuisance. It shall be unlawful for any person, firm or corporation to permit any such nuisance to remain or exist on any property under his or its control.

1114 Refuse

It shall be unlawful for any person, firm or corporation to deposit anywhere in the Village any uncovered piles of refuse, garbage, offal or carcasses of dead animals. Such refuse must be buried at least 2 feet below the surface of the ground, or burned in properly constructed incinerators or otherwise properly disposed of. Any uncovered pile or refuse is declared to be a nuisance.

1115 Cemeteries

It shall be unlawful for any person, firm or corporation to establish a cemetery or to bury any person within the Village limits, or within a mile thereof, except in an established cemetery.

1116 Premises

It shall be unlawful to permit any building structure or place, to remain in such a condition as to be dangerous to the public health in any way. Any such structure, building or place, is hereby declared to be a nuisance.

1117 Acts

It shall be unlawful to commit or do any act, which endangers the public health or results in annoyance or discomfort to the public.

1118 Nuisances – Abatement

It shall be unlawful for any person, firm or corporation to permit or maintain the existence of any nuisance on any property under his, here or its control. The Chief of Police is hereby authorized to abate any nuisances existing in the Village, whether such nuisances are one specifically recognized by ordinance or not.

1119 Dense Smoke

It shall be unlawful to cause or permit the emission of dense smoke from any fire, chimney, engine, oil burner or any other agency in the Village so as to cause annoyance or discomfort to the residents thereof. For the purpose of testing and grading the density of smoke, the *Singelmann Smoke Chart* as published and used by the *United States Geological Survey*, shall be, and is hereby adopted as, a standard for such grading, and smoke shall be, and is hereby, defined as an declared to be "dense" when it is of a degree of number 3 of the said chart, or greater, for more than 6 months in any 1 hour; whether such period of time is consecutive or not.

Article 3 - Smoke Free Illinois Act

1120 Definitions

As used in this Article, the below terms shall have the following ascribed meanings:

Bar. An establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and that derives no more than 10% of its gross revenue from the sale of food consumed on the premises. "Bar" includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

Employee. A person who is employed by an employer in consideration for direct or indirect monetary wages or profits or a person who volunteers his or her services for a non-profit entity.

Employer. A person, business, partnership, association, or corporation, including a municipal corporation, trust, or non-profit entity, which employs the services of one or more individual persons.

Enclosed Area. 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 with partitions and no windows, exclusive of doorways, that extend from the floor to the ceiling, including, without limitation, lobbies and corridors.

Enclosed or Partially Enclosed Sports Arena. Any sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller rink, ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise or participate in athletic competitions or recreational activities or to witness sports, cultural, recreational, or other events.

Gaming Equipment or Supplies. Gaming equipment/supplies as defined in the Illinois Gaming Board Rules of the Illinois Administrative Code.

Gaming Facility. An establishment utilized primarily for the purposes of gaming and where gaming equipment or supplies are operated for the purposes of accruing business revenue.

Healthcare Facility. An office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including, but not limited to, hospitals, rehabilitation hospitals, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, dentists, and all specialists within these professions. "Healthcare facility" includes all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

Place of Employment. Any area under the control of a public or private employer that employees are required to enter, leave, or pass through during the course of employment, including, but not limited to entrances and exits to places of employment, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; offices and work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a "place of employment".

Private Club. A not-for-profit association that (1) has been in active and continuous existence for at least 3 years prior to the effective date of this amendatory Act of the 95th General Assembly, whether incorporated or not, (2) is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, (3) is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and (4) only sells alcoholic beverages incidental to its operation. For purposes of this definition, "private club" means an organization that is managed by a board of directors, executive committee, or similar body chosen by the members at an annual meeting, has established bylaws, a constitution, or both to govern its activities, and has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. 501.

Private Residence. The part of a structure used as a dwelling, including, without limitation: a private home, townhouse, condominium, apartment, mobile home, vacation home, cabin, or cottage. For the purposes of this definition, a hotel, motel, inn, resort, lodge, bed and breakfast or other similar public accommodation, hospital, nursing home, or assisted living facility shall not be considered a private residence.

Public Place. That portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the State of Illinois, the Village of Spring Grove, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A "public place" does not include a private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises. A "public place" includes, but is not limited to, hospitals, restaurants, retail stores, offices, commercial establishments, elevators, indoor theaters, libraries, museums, concert halls, public conveyances, educational facilities, nursing homes, auditoriums, enclosed or partially enclosed sports arenas, meeting rooms, schools, exhibition halls, convention facilities, polling places, private clubs, gaming facilities, all government-owned vehicles and facilities, healthcare facilities or clinics, enclosed shopping centers, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, public restrooms, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, reception areas, and no less than 75% of the sleeping quarters within a hotel, motel, resort, inn, lodge, bed and breakfast, or other similar public accommodation that are rented to guests, but excludes private residences.

Restaurant. An eating establishment, including, but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, that gives or offers for sale food to the public, guests, or employees, and a kitchen or catering facility in which food is prepared on the premises for serving elsewhere. "Restaurant" includes a bar area within the restaurant.

Retail Tobacco Store. A retail establishment that derives more than 80% of its gross revenue from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, and other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or any establishment with any type of liquor, food, or restaurant license. "Smoke" or "smoking" means the carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

Smoke or Smoking. Inhaling, exhaling, burning or carrying any lighted or burning cigarette, cigar, pipe, hookah pipe, pipe weed, or other lighted tobacco product in any manner or in any form.

1121 Smoking Prohibited in Public Places and Places of Employment

1121.1 It shall be unlawful for any person to smoke in any public place or place of employment within the Village.

1121.2 It shall be unlawful for any person to smoke in any place designated as a "No Smoking Area," as provided in Section 1123.

1121.3 It shall be unlawful for an employer to knowingly permit smoking in any enclosed area in any place of employment.

1121.4 It shall be unlawful for an employer, owner, occupant or lessee in control of a public place to knowingly permit smoking in any enclosed area in said public place.

1121.5 It shall be unlawful for an employer, owner, occupant or lessee in control of a public place to fail to post signage or remove ash trays, as provided in Section 1124.

1122 Exemptions

The prohibitions on smoking set forth in this Article shall not apply to:

1122.1 Hotel and motel sleeping rooms that are rented to guests and are designated as smoking rooms; provided that all smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into nonsmoking rooms or other areas where smoking is prohibited under the provisions of this Article. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is permitted. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

- 1122.2 Private vehicles, not including public transportation facilities or government vehicles.
- 1122.3 Private residences or dwelling places except when used as a child care, adult day care, health care facility, or any other home-based business open to the public.
- 1122.4 Private and semi-private rooms in nursing homes and long-term care facilities that are occupied by one or more persons, all of whom are smokers and have requested in writing to be placed in a room where smoking is permitted.
- 1122.5 Any public place or place of employment that is a tobacco dealer, whose principal business is the sale of retail of tobacco and tobacco-related products; provided that smoke generated by smoking on the premises of the tobacco dealer does not infiltrate into enclosed areas where smoking is otherwise prohibited; and no food or liquor license has been granted.

1123 Designation of Other No-Smoking Areas

Notwithstanding any other provision of this Article, any employer, owner, occupant, lessee, operator, manager, or other person in control of any public place or place of employment may designate a non-enclosed area of said public place or place of employment, including outdoor areas, as an area where smoking is also prohibited, provided that such employer, owner, lessee or occupant shall conspicuously post signs prohibiting smoking in the manner described in Section 1124.

1124 Responsibilities of Proprietors

Each owner, lessee, occupant, employer or other person in control of a public place or a place of employment shall be responsible for all the following:

- 1124.1 Post conspicuous signs no smaller than five inches by seven inches (5" x 7") in enclosed areas and the entrance or vestibule to the public place, place of employment or the building wherein they are located, as the case may be, bearing the text "No Smoking" or the international "No Smoking" symbol, which consists of a pictorial representation of a cigarette enclosed in a circle with a bar across it. Such signs shall also be posted outside of the main entrance to the public place or place of employment, shall reference the fifteen foot buffer zone in which smoking is prohibited, and contain the telephone numbers of the designated enforcement authorities noted in this Article, in addition to the telephone number and website designated by the Illinois Department of Public Health for registering complaints.
- 1124.2 Remove ash trays or other similar containers intended for the deposit of tobacco ash, cigarettes, cigars or other tobacco products from public places.

- 1124.3 Request any person who smokes in an area where smoking is prohibited to refrain from smoking, and if the person continues to smoke, request the person to leave.
- 1124.4 Notify employees regarding the requirements of this Article.

1125 Enforcement

- 1125.1 This Article shall be enforced by the Village Police Department.
- 1125.2 Any citizen who desires to register a complaint under this Article may initiate enforcement by contacting the Village Police Department.
- 1125.3 An employer, owner, lessee, manager, operator, or employee of an establishment regulated by this Article shall inform persons violating this Article of the appropriate provisions thereof and request that the violator cease smoking in a prohibited area and, if the person continues to smoke, request the person to leave.

1126 Penalties

- 1126.1 Any person who shall violate Section 1121.1 shall, on a finding of guilty thereof, be punished by a fine of \$100 for a first violation and \$250 for any subsequent violations within one year. Each day in which a violation of Section 1121.1 occurs constitutes a separate and distinct violation.
- 1126.2 Any person who shall violate Section 1121.3 shall, on a finding of guilty thereof, be punished by a fine of \$500 upon conviction for the first violation and \$750 for each subsequent conviction stemming from a violation within one year of the initial violation of Section 1121.3. Each day in which a violation of Section 1121.3 occurs constitutes a separate and distinct violation.
- 1126.3 Any person who shall violate Section 1121.5 shall, on a finding of guilty thereof, be punished by a fine of \$250 for each violation. Each day during which a violation of Section 1121.5 continues beyond the specified time for correction shall constitute a separate punishable offense, although owners, operators, managers or other controllers of public places and places of employment shall be given a reasonable time to come into compliance with Section 1121.5 following issuance of a notice of violation, but such period shall not, in any event, exceed one week.
- 1126.4 In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

1126.5 Violation of this Article is hereby declared to be a public nuisance, which may be abated by an action in the Circuit Court for injunctive relief, or other means provided for by law, and the Village may take action to recover the costs of the nuisance abatement.