

ORDINANCE NUMBER 08 - 03

**AN ORDINANCE AMENDING TITLE XIII, GENERAL OFFENSES,
TO ADD A NEW CHAPTER 139, SMOKING BAN, AND ADOPTING
THE SMOKE FREE ILLINOIS ACT**

WHEREAS, the Village of East Dundee is a home rule unit of local government under and pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the President and Board of Trustees of the Village of East Dundee having determined that it is in the best interests of the health, safety and welfare of the residents of the Village of East Dundee that **Title XIII**, General Offenses, be amended to add a new **Chapter 139**, Smoking Ban.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

Section One. That **Title IX, General Regulations**, of the Village of East Dundee Code of Ordinances is hereby amended to include a new **Chapter 139, Smoking Ban** as follows:

CHAPTER 139: SMOKING BAN

§ 139.01 SMOKE FREE ILLINOIS ACT ADOPTED

There is hereby adopted for the purpose of regulating and enforcing the smoking ban in effect throughout the State of Illinois, that certain code known as the Smoke Free Illinois Act, 410 ILCS 82/1 et seq., which Act has been and now is filed in the office of the Village Clerk, and each and all of the regulations, provisions, penalties, conditions, and terms of the Act are hereby referred to, adopted, and made a part hereof, as if fully set out at length herein, and the provisions thereof shall be controlling within the corporate limits of the Village of East Dundee.

§ 139.99 PENALTY

(A) Any individual found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than \$100 for each offense.

(B) Any business found guilty of violating, disobeying, omitting, neglecting or refusing to comply with any of the provisions of this chapter shall be fined not less than \$250 for the first offense within a 12 month period; and for a second offense within a 12 month period not less than \$500; and for a third offense within a 12 month period shall be fined not less than \$2,500.

(C) Nothing in this chapter shall be construed as limiting any judicial remedies that the Village may have, at law or in equity, for enforcement of this chapter.

Section Two. 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 Three. Repeal. All ordinances, resolutions, motions or parts thereof in conflict herewith shall be and the same are hereby repealed.

Section Four. Publication. This ordinance shall be in full force and effect forthwith upon its adoption, approval and publication in pamphlet form as provided by law.

Adopted this 18th day of Feb, 2008, pursuant to a roll call vote as follows:

AYES: Ruffulo, Gorman, Carlini, Lynan,
Cichowski, Mahony, Pres. O'Leary

NAYES: _____

ABSENT: _____

Approved by me this 18th day of Feb, 2008.

Daniel O'Leary
DANIEL O'LEARY, President

Published in pamphlet form this 21 day of Feb, 2008, under the authority of the President and Board of Trustees.

ATTEST:

Susan Norton
SUSAN NORTON, Village Clerk

Recorded in the Village Records on Feb 21, 2008.

