

ORDINANCE NUMBER 2007-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE VILLAGE OF VERNON HILLS, CHAPTER 26 – SMOKE FREE AIR REGULATIONS, RELATING TO THE DEFINITION OF RETAIL TOBACCO STORE

WHEREAS, after careful and considerable research, discussion and debate, the Village President and Board of Trustees of the Village of Vernon Hills, adopted a Smoke Free Air Ordinance that regulates and prohibits smoking in Public Places, at Public Entrances, in Places of Employment, and at certain unenclosed Public Places; and

WHEREAS, the President and the Board of Trustees in protecting the public health and welfare by prohibiting smoking in all Public Places and Places of Employment and, in protecting the right of nonsmokers to avoid breathing secondhand smoke prescribed reasonable standards, regulations, and penalties; and

WHEREAS, the President and the Board of Trustees have determined that there is an urgent need to have this amendment effective upon passage so as to clarify the current ordinance and avoid adverse impacts to public health; and

WHEREAS, in the legislative judgment of the President and Board of Trustees determined that the regulations outlined in the Smoke Free Air Ordinance, as described in Chapter 26 of the Village of Vernon Hills Code of Ordinances, are dynamic and may be amended from time to time to protect and maintain the property values, enhance the quality of life, and protect the general public from injury or illness.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF VERNON HILLS, LAKE COUNTY, ILLINOIS AS FOLLOWS:

SECTION I. That Chapter 26, Section 26-001 of the Village of Vernon Hills Code of Ordinances is hereby amended by deleting and recreating the definition of Retail Tobacco Store to read as follows:

“Retail Tobacco Store” which shall be defined as a retail store or establishment where the predominance (defined as being at least 75%) of the items available for sale or consumption at the establishment (not taking into account catalogue items which may be ordered from the establishment). This exemption excludes any establishment, which is concurrently licensed for the sale or consumption of food or alcohol. If a licensee seeks a license for both a Retail Tobacco Store and for an establishment selling food and alcohol for sale and consumption on the premise, each establishment must be physically separated and share no joint entrances or physical connections between them. If a Retail Tobacco Store is located within a multi-tenant building, its

HVAC system must be totally separated from the buildings' HVAC system, if smoking will be allowed within the establishment. Nothing in this Section shall prohibit an establishment licensed for the sale of alcohol or food from also selling tobacco items, but such establishment shall not be exempt from the provisions of this ordinance.

SECTION II. Severability. In the event that any section, clause, provision, or part of this ordinance shall be found and determined to be invalid by a court of competent jurisdiction, all valid parts that are severable full force and effect. If any part of this ordinance is found to be invalid in any one or more of its several applications, all valid applications that are severable from the invalid applications shall remain in effect.

SECTION III. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions or causes of action which shall have accrued to the Village of Vernon Hills prior to the effective date of this ordinance.

SECTION IV. Effective Date. This ordinance shall be in full force and effect from and after its passage.

SECTION V. This ordinance shall be known as Ordinance 2007-01.

Adopted by roll call vote as follows:

Ayes: 6-Williams, Hebda, Koch, Schultz, Schwartz, Byrne

Nays: 0-None

Absent and not voting: 1-Marquardt

Roger L. Byrne, Village President

Passed: 1/16/2007

Approved: 1/16/2007

Published in pamphlet form: 1/17/2007

Attest

Linda Pelletier, Village Clerk