

CHAPTER 96: HEALTH AND SANITATION

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SMOKE EMISSION

§ 96.01 EMISSION OF DENSE SMOKE.

The emission of dense smoke within the municipality from the smoke stack of any locomotive, steam roller, steam derrick, tar kettle, or any similar machine or contrivance, or from the smoke stack or chimney of any building or premises, is declared a nuisance and unlawful, and may be summarily abated

by the Health Commissioner or by any one whom he/she may duly authorize for such purpose. Such abatement may be in addition to the fine hereinafter provided.

('79 Code, § 92.05) (Ord. 358, passed 6-3-46) Penalty, see § 10.99

§ 96.02 FACTORIES ALLOWING MATERIALS TO ESCAPE.

Any factory, warehouse, storehouse, grain elevator, building, or structure of any kind within the limits of the municipality, which shall be kept, maintained, managed, or operated in such a manner as to allow dust, sweepings, chaff, or dense or unusual smoke caused by the burning of grain clippings, chaff, or other substance or material to escape or issue therefrom onto any public street, alley, lane, or avenue or any private property so as to become offensive or interfere with the health or comfort of any family or neighborhood, shall be deemed and is declared a public nuisance and unlawful.

('79 Code, § 92.06) (Ord. 202, passed 8-14-23) Penalty, see § 10.99

SMOKING RESTRICTIONS IN PUBLIC AND OTHER PLACES

§ 96.10 DEFINITIONS.

For purposes of this subchapter, the following terms have the meanings ascribed to them in this section, unless different meanings are plainly indicated by the context:

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 goods consumed on the premises. **BAR** includes, but is not limited to, taverns, nightclubs, cocktail lounges, adult entertainment facilities, and cabarets.

DEPARTMENT. The Department of Public Health.

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, that 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 solid walls or windows, exclusive of doorways, or 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, semi-private 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, as set forth in § 96.20, 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 has been in active and continuous existence for at least three years prior to the effective date of this subchapter, whether incorporated or not; is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times; is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain; and, 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, or any other public entity and regardless of whether a fee is charged for admission, including a minimum distance, as set forth in § 96.20, 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, including buildings and vehicles owned, leased, or operated by the state or state subcontract, 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 devise 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.** The carrying, smoking, burning, inhaling, or exhaling of any kind of lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted smoking equipment.

STATE AGENCY. Has the meaning formerly ascribed to it in subsection (a) of Section 3 of the Illinois Purchasing Act (now repealed).

UNIT OF LOCAL GOVERNMENT. Has the meaning ascribed to it in Section 1 of Article VII of the Illinois Constitution of 1970.
(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.11 SMOKING IN PUBLIC AND OTHER PLACES PROHIBITED.

Smoking in public places, places of employment, and governmental vehicles is prohibited. No person shall smoke in a public place or in any place of employment or within 15 feet of any entrance to

a public place or place of employment. No person may smoke in any vehicle owned, leased, or operated by the state or a political subdivision of the state. Smoking is prohibited in indoor public places and workplaces unless specifically exempted by § 96.15.
(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.12 POSTING OF SIGNS.

Posting of signs; removal of ashtrays.

(A) "No Smoking" signs or the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, shall be clearly and conspicuously posted in each public place and place of employment where smoking is prohibited by this subchapter by the owner, operator, manager, or other person in control of that place.

(B) Each public place and place of employment where smoking is prohibited by this subchapter shall have posted at every entrance a conspicuous sign clearly stating that smoking is prohibited.

(C) All ashtrays shall be removed from any area where smoking is prohibited by this subchapter by the owner, operator, manager, or other person having control of the area.
(Ord. 3037, passed 1-22-2008)

§ 96.13 SMOKING PROHIBITED IN STUDENT DORMITORIES.

Notwithstanding any other provisions of this subchapter, smoking is prohibited in any portion of the living quarters, including, but not limited to, sleeping rooms, dining areas, restrooms, laundry areas, lobbies, and hallways, of a building used in whole or in part as a student dormitory that is owned and operated or otherwise utilized by a public or private institution of higher education.
(Ord. 3037, passed 1-22-2008)

§ 96.14 DESIGNATED SMOKING AREAS.

Designation of other nonsmoking areas. Notwithstanding any other provision of this subchapter, 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 a 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 § 96.12(A) and (B).
(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.15 EXEMPTIONS.

Notwithstanding any other provision of this subchapter, smoking is allowed in the following areas:

(A) Private residences or dwelling places, except when used as a child care, adult day care, or healthcare facility or any other home-based business open to the public.

(B) Retail tobacco stores as defined in § 96.10 in operation prior to the effective date of this subchapter. The retail tobacco store shall annually file with the Department by January 31st an affidavit stating the percentage of its gross income during the prior calendar year that was derived from the sale of loose tobacco, plants, or herbs and cigars, cigarettes, pipes, or other smoking devices for smoking tobacco and related smoking accessories. Any retail tobacco store that begins operation after the effective date of this subchapter may only qualify for an exemption if located in a freestanding structure occupied solely by the business and smoke from the business does not migrate into an enclosed area where smoking is prohibited.

(C) 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 or to remain in a room where smoking is permitted and the smoke shall not infiltrate other areas of the nursing home.

(D) 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. Not more than 25% of the rooms rented to guests in a hotel or motel may be designated as rooms where smoking is allowed. The status of rooms as smoking or nonsmoking may not be changed, except to permanently add additional nonsmoking rooms.

(Ord. 3037, passed 1-22-2008)

§ 96.16 ENFORCEMENT.

(A) The Department, state-certified local public health departments, and local law enforcement agencies shall enforce the provisions of this subchapter and may assess fines pursuant to § 96.17.

(B) Any person may register a complaint with the Department, a state-certified local public health department, or a local law enforcement agency for a violation of this subchapter. The Department shall establish a telephone number that a person may call to register a complaint under this division (B).

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.17 VIOLATIONS.

(A) A person, corporation, partnership, association or other entity who violates § 96.11 shall be fined pursuant to this section. Each day that a violation occurs is a separate violation.

(B) A person who smokes in an area where smoking is prohibited under § 96.11 shall be fined in an amount that is not less than \$100 and not more than \$250. A person who owns, operates, or otherwise controls a public place or place of employment that violates § 96.11 shall be fined not less than \$250 for the first violation, not less than \$500 for the second violation within one year after the first violation, and not less than \$2,500 for each additional violation within one year after the first violation.

(C) A fine imposed under this section shall be allocated as follows:

(1) One-half of the fine shall be distributed to the Department; and

(2) One-half of the fine shall be distributed to the enforcing agency.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.18 INJUNCTIONS.

The Department, a state-certified local public health department, local law enforcement agency, or any individual personally affected by repeated violations may institute, in a circuit court, an action to enjoin violations of this subchapter.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.19 DISCRIMINATION PROHIBITED.

No individual may be discriminated against in any amount because of the exercise of any rights afforded by this subchapter.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

§ 96.20 PROHIBITED DISTANCES.

Entrances, exits, windows, and ventilation intakes. Smoking is prohibited within a minimum distance of 15 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited under this subchapter so as to ensure that tobacco smoke does not enter the area through entrances, exits, open windows, or other means.

(Ord. 2096, passed 2-20-2007; Am. Ord. 3037, passed 1-22-2008)

WATER POLLUTION CONTROL**§ 96.25 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DAIRY EQUIPMENT, BEVERAGE EQUIPMENT, AND FOOD PROCESSING EQUIPMENT. That equipment used in the production of milk and dairy products, foods, and beverages, including the processing, preparation, or packaging thereof for consumption.

DETERGENT or SYNTHETIC DETERGENT. Any cleaning compound which is available for household use, laundry use, other personal uses, or industrial use, which is composed of organic or inorganic compounds, including soaps, water softeners, surface active agents, dispersing agents, foaming agents, buffering agents, builders, fillers, dyes, enzymes, and fabric softeners, whether in the form of crystals, powders, flakes, bars, liquids, sprays, or any other form.

INDUSTRIAL CLEANING EQUIPMENT. Machinery and other tools used in cleaning processes during the course of industrial manufacturing production and assembly.

MACHINE DISHWASHER. Equipment manufactured for the purpose of cleaning dishes, glassware, and other utensils involved in food preparation, consumption, or use, using a combination of water agitation and high temperatures.

POLYPHOSPHATE BUILDER or PHOSPHORUS. A water softening and soil suspending agent made from condensed phosphates, including pyrophosphates, triphosphates, tripyrophosphates, metaphosphates, and glassy phosphates, used as a detergent ingredient, but shall not include **POLYPHOSPHATE BUILDERS** or **PHOSPHORUS** which is essential for medical, scientific, or special engineering use under such conditions and regulations as may be prescribed after hearing by the Board of Trustees.

RECOMMENDED USE LEVEL. The amount of synthetic detergent or detergent which the manufacturer thereof recommends for use per wash load, at which level the synthetic detergent or detergent will effectively perform its intended function.
(’79 Code, § 93.01) (Ord. 765, passed 5-3-71)

§ 96.26 LABELING.

It shall be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent, whether in the form of crystals, powders, flakes, bars, liquids, sprays, or any other form in the municipality from and after September 1, 1971, unless the container, wrapper, or other packing thereof shall be clearly labeled with respect to its polyphosphate

builder or phosphorus ingredient content clearly and legibly set forth thereon in terms of percentage of phosphorus by weight, expressed as elemental phosphorus per container, wrapper, or other packaging thereof, as well as grams of phosphorus expressed as elemental phosphorus per recommended use level.

('79 Code, § 93.02) (Ord. 765, passed 5-3-71) Penalty, see § 10.99

§ 96.27 LIMITATIONS.

It shall be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent containing more than 8.7% phosphorus by weight, expressed as elemental phosphorus, within the municipality from and after September 1, 1971. It shall also be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent which requires a recommended use level of a synthetic detergent or detergent which contains more than seven grams of phosphorus by weight, expressed as elemental phosphorus, within the municipality from and after September 1, 1971.

('79 Code, § 93.03) (Ord. 765, passed 5-3-71) Penalty, see § 10.99

§ 96.28 EXCEPTIONS TO LIMITATIONS.

(A) Notwithstanding the provisions of § 96.27, synthetic detergents or detergents manufactured for use in machine dishwashers, dairy equipment, beverage equipment, food processing equipment, and industrial cleaning equipment shall not be subject to the limitations set forth in § 96.27, but are made expressly subject to the provisions of this section.

(B) It shall be unlawful for any person, firm, or corporation to sell, offer, expose for sale, give, or furnish any synthetic detergent or detergent containing any phosphorus, expressed as elemental phosphorus, including synthetic detergents or detergents, manufactured for machine dishwashers, dairy equipment, beverage equipment, food processing equipment, and industrial cleaning equipment within the municipality from and after September 1, 1971.

('79 Code, § 93.04) (Ord. 765, passed 5-3-71) Penalty, see § 10.99

§ 96.29 WEIGHT DETERMINATION.

The concentration of phosphorus by weight expressed as elemental phosphorus in any synthetic detergent or detergent shall be determined by the current applicable method prescribed by the American Society for Testing and Materials (A.S.T.M.).

('79 Code, § 93.05) (Ord. 765, passed 5-3-71)

