

VILLAGE OF GILBERTS

AN ORDINANCE AMENDING THE VILLAGE CODE REGARDING SMOKING AND USE OF TOBACCO PRODUCTS IN PUBLIC PARK AND RECREATION AREAS

WHEREAS, the Village of Gilberts is an Illinois municipal corporation operating in accordance with the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village currently owns, operates, and maintains a variety of public park and recreation areas and facilities in the Village; and

WHEREAS, the Village Board of Trustees has determined that it is in the best interests of the Village and its residents to prohibit smoking and the use of tobacco products in and around certain facilities in the public park and recreation areas of the Village, as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS, as follows:

SECTION 1. RECITALS. The recitals listed above are incorporated into this Ordinance as if fully set forth in this Section 1.

SECTION 2. AMENDMENT. Section 7-2-6, titled "Miscellaneous Offenses, of Chapter 2, titled "Parks and Recreation Areas," of Title 7, titled "Public Ways and Property," is hereby amended to add a new subsection G, as follows (deletions in ~~strikethrough~~, additions in **bold** and underline)::

"7-2-6: MISCELLANEOUS OFFENSES:

It shall be unlawful for any person in any public park or recreation area in the village to:

* * *

G. Smoke or use any tobacco product (including but not limited to cigarettes, cigars, pipes, hookah pipes, and e-cigarettes) in and within 20 feet of any shelter, gazebo, pavilion, playground area, sports field, athletic court, bleachers, splash pad, skate park, or skating rink in any public park or recreation area in the village. The village administrator or designee is hereby authorized and directed to cause "No Smoking" signs to be posted in appropriate places in and around the public park and recreation areas. These restrictions shall not apply to smoking or the use of tobacco products at the annual Community Days event. Any person violating this subsection G shall be subject to the penalty provisions of title 1, chapter 4 of this code.

SECTION 3. 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 from the invalid parts shall remain in 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 shall remain in effect.

SECTION 4. REPEAL AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however that nothing in this Ordinance shall affect any rights, actions, or causes of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

SECTION 5. EFFECTIVE DATE. This Ordinance shall only be effective upon the passage, approval, and publication in the manner required by law.

PASSED BY THE BOARD OF TRUSTEES this 21 day of Aug, 2018 by roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Elissa Kojzarek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Nancy Farrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Guy Zambetti	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Rick Zirk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED THIS 21 DAY OF Aug, 2018



Village President, Rick Zirk



ATTEST:


 Village Clerk, Courtney Nicholas