

AN ORDINANCE AMENDING TITLE 6, CHAPTER 2, SECTION 12 OF THE ORLAND PARK VILLAGE CODE REGARDING INDOOR SMOKING BAN

WHEREAS, the corporate authorities of the Village of Orland Park deem it in the best interests of the Village and its residents to amend the Orland Park Village Code with regard to the regulation of indoor smoking and retail tobacco stores;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Orland Park, Cook and Will Counties, Illinois, as follows:

SECTION 1

Title 6, "Health, Nuisances," Chapter 2, "Nuisances," Section 6-2-2-12, "Smoking Ban-Public Places," Sub-section 3, "Exemption for Existing Business and Free Standing Buildings," of the Village Code of the Village of Orland Park is hereby amended to delete in its entirety the text of Section 6-2-2-12, Sub-section 3 and to substitute the following as new text for Section 6-2-2-12, Sub-section 3:

3. EXEMPTION FOR EXISTING BUSINESS AND FREE STANDING BUILDINGS:

(1) Smoking shall be permitted within the enclosed business premises known as "D'wan Hookah Lounge/ D'wan Cigar and Hookah Lounge" located at 9925 W. 143rd Place wherein only smoking products and smoking equipment is sold at retail, being the only such business in the Village, provided:

(a) The current owner or other person in control of such business and who holds the tobacco dealer license issued by the Village keeps and maintains such license in good standing and continues to operate such business at its present location referred to above; and

(b) No goods, products or services are sold or delivered within the said business premises by the said tobacco dealer licensee, or anyone under said licensee's supervision and control, except for smoking products and smoking equipment and accessories permitted via the license.

(2) Any retail tobacco store that begins operation after the effective date of Public Act 0095- 0017 (January 1, 2008) of the State of Illinois may only qualify for an exemption if:

(a) The business is located in a free standing structure on a property that is a minimum of 100 feet from any residential, park or school property line measured from lot line to lot line;

(b) The business is located in a free standing structure on a property that is a minimum of 20 feet from any other non-accessory building;

- (c) The free standing structure is occupied solely by the business registered for and authorized by a tobacco dealer license;
- (d) The business operating hours do not extend beyond 11:00 P.M. on weekdays and 12:00 A.M. on Fridays and Saturdays in the OOH, BIZ and VC zoning districts (COR zoning is exempted);
- (e) The free standing structure includes, or is improved to include, a fire sprinkler and alarm system; and
- (f) Smoke emitted from business activity does not migrate into an enclosed area where smoking is prohibited or into outdoor venues or areas where smoking is prohibited per the following sub-sections (4, 5 and 6).

SECTION 2

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 3

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.