

AN ORDINANCE AMENDING TITLE 6 CHAPTER 2 SECTION 2-12 OF THE ORLAND PARK MUNICIPAL CODE, REGARDING SMOKING BAN IN PUBLIC PLACES IN THE VILLAGE OF ORLAND PARK, COOK AND WILL COUNTIES, ILLINOIS

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, Chapter 2, Section 6-2-2-12 of the Orland Park Municipal Code is hereby amended to add the definition of “Retail Tobacco Store” to Sub-section 1, “Definitions,” in alphabetical order, to read in its entirety as follows:

Retail Tobacco Store: A commercial 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 devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. This 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.

SECTION 2

Sub-section 3, “Exception for Existing Business,” of Title 6, Chapter 2, Section 6-2-2-12 of the Orland Park Municipal Code is retitled, “Exemption for Existing Business and Free Standing Buildings,” and is hereby amended to read in its entirety as follows:

3. EXEMPTION FOR EXISTING BUSINESS AND FREE STANDING BUILDINGS:

(1) Smoking shall be permitted within the enclosed business premises known as “BELICOSO CIGAR LOUNGE” located at 15443 S. 94th Avenue 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.

(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 located in a free standing structure occupied solely by the business registered for and authorized by a tobacco dealer license and smoke from the business 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 3

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict herewith.

SECTION 4

This Ordinance shall be effective immediately upon its passage, approval and publication in the manner provided by law.