

# SMOKING BAN WORKSHOP NOTES

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## Introduction

A Municipal/County Smoke Free Task Force has been established by DuPage County. The task force has developed a model ordinance and is proposing that those communities wanting to adopt such regulations could use the model and participate in a county-wide effort to enact legislation by July 2007.

At the December 7<sup>th</sup> Board Meeting, the Board reviewed the Municipal Implementation Handbook developed by the County Task Force. The Handbook was provided as a resource to help with the decision making process in crafting the ordinance. The Board reviewed the model ordinance again and worked towards a consensus of what would be included and what would be the exceptions of the Woodridge draft ordinance.

## Review of Smokefree DuPage Model Ordinance

The workshop provided for an overview of the ordinance, beginning with definitions on page two, provisions on page four and exclusions beginning on page six.

## Results of the Discussion of Exceptions to Model Ordinance

Woodridge Smoking Ban Discussion Village Board Consensus	Exempt from the Ordinance	Include as Prohibited
Target Effective Date: <b>July 1, 2007</b>		
Area of Restriction - Proximate to Public Entrance		<b>25'</b>
Private Dwelling	<b>X</b>	
Hotels - (No %)		<b>X</b>
Nursing Homes		<b>X</b>
Private Clubs		<b>X</b>
Restaurants		<b>X</b>
Open Air/Outdoor Dining		<b>X</b>
Bars/Taverns		<b>X</b>
Enclosed Bar Areas		<b>X</b>
Tobacco Stores	<b>X</b>	
Public Outdoor Events		<b>X</b>
Theatrical Performance		<b>X</b>
Bowling Alleys		<b>X</b>
Outdoor Areas		<b>X</b>
Miniature Golf		<b>X</b>
Area of Restriction - Proximate to Open Air Dining		<b>25'</b>
Park District Property <i>Board Agreed to allow the Park District to draft their own Ordinance, utilizing same timeline for implementation.</i>	<b>X</b>	

## **Discussion of Education**

The Village plans to utilize all communication means available. We would work with Chamber to educate businesses. If necessary, we could have direct communication with targeted business.

## **Board Suggestions for Education**

- Communicate directly to the non-smoker to make them aware of the smoking ban.
- Continue to work closely with the Chamber.

## **Overview of Enforcement (Police Department)**

- Enforcement of the ordinance tends to be reactive in nature.
- Enforcement of a ban tends to be structured with a two-tiered schedule that fines the violator and the business owner.
- Enforcement is most efficient and effective when tied to a business license.
- The P-Ticket structure would be most efficient.

## **Board Input on Enforcement**

- It should be the responsibility of the business owner
- Fines on the smoker (violator) should be lower than what is suggested in the enforcement report.
- After the ordinance is passed, initially there needs to be a larger and more proactive role on the part of the Police Department.
- After the passage of the Ordinance, in the initial phase of the ban, the Police should utilize some discretion, and use that time as an opportunity to educate the public on the new law.
- Fines should be based on the actual cost of enforcement. The fine should reflect the cost for the time and processing of the offense.
- A portion of the fine (\$5 or \$10) should be set aside and donated to a special and related cause such as cancer research or a cancer organization. It should not be all revenue for the Village.
- Subsequent fines should be more punitive – more progressive.

## **Consensus on Ordinance Development**

There was some discussion regarding the Section I., “No Retaliation” provision of the model ordinance, and as to whether the Village should impose that type of enforcement upon its residents and business owners. There was also some questioning directed at the Village’s ability to enforce the provision. Ultimately, the Board agreed to include Section I.

The Board identified the provisions and exceptions. The Board agreed upon the timeline. The Village will draft an ordinance based upon the evening’s discussion for consideration at a March 1 Public Hearing. In the meantime, the Village will continue to communicate with the Chamber’s office and its members. The effective date is July 1, 2007.

It was noted that aside from attending the public hearing, the Village will encourage other communication avenues for public comment, such as email, letters, and phone calls. When communicating to the public, the Village is encouraged to provide the following framework:

- The State is not moving forward with a statewide ban.
- Other DuPage Communities are moving forward with a ban.
- The timeliness of the completion of a draft will affect the public feedback timeline.