

Proposed smoke ban to get closer look in Naperville

City seeks more comments on idea

By Jennifer Taylor
Special to the Tribune

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Naperville city officials said Tuesday they want more comments from residents and business owners before further considering a proposed smoking ban in the city.

The proposal would ban smoking in all enclosed public places and places of employment. The most heated debate is centered on restaurants and bars, whose owners believe a ban in Naperville, without support from the rest of the region, would hurt their businesses.

"Our position has been we do not oppose a smoking ban. We oppose a smoking ban that creates an economic hardship to Naperville," said Jim Bergeron, owner of Jimmy's Grill and Brickhouse Pizzeria in the downtown.

"If we can make [a law] work that has with it the ability to make a level playing field, we are all for it."

Riff Menza, owner of Frankie's Blue Room and Features in the downtown, agreed. He submitted a petition with about 2,000 signatures opposing Naperville-only smoking ban. The restaurant owners want to see surrounding municipalities such as Aurora and Bolingbrook also adopt smoke-free ordinances.

The citizen group Smoke-Free Naperville brought the issue to the council last month along with a petition with 2,750 signatures supporting the smoking ban.

Most City Council members requested more information on potential exemptions from the ordinance.

Exemptions may include restaurants or taverns that demonstrate an economic hardship under the proposed ordinance, hotels with smoking-only rooms, private nursing care facilities, private clubs or lodges, home businesses, and retail tobacco stores.

The draft ordinance also includes a provision requiring smoke-free perimeters around the entrances of establishments. City staff suggested in their report a 20-foot perimeter.

The city also is considering restricting smoking at outdoor events such as Ribfest and the Last Fling city festivals.

Last month the city announced its intention to consider a smoke-free ordinance and took a preliminary look Tuesday at a proposed draft. The council agreed it would continue a public process by holding a town hall meeting in September, post information about the ordinance on its Web site, and send letters to businesses in town.

According to a staff report, 44 percent of Illinois' population is covered by smoke-free ordinances.

Municipalities that have adopted smoke-free ordinances include Burr Ridge, Chicago, Hinsdale, Oak Park, Park Ridge, Highland Park, and Evanston. The municipalities of Bloomington, Normal, Champaign and Elk Grove Village have smoke-free ordinances slated to take effect early next year.

Many eateries in town have acted on their own. More than 80 restaurants, including Front Street Cantina, Red Door Tavern and Old Country Buffet, already have chosen not to allow smoking in their establishments, according to the report.

City staff recommended the ordinance, if adopted, go into effect 90 days after passage. The staff report also suggested that violation of the ordinance carry a \$50 fine for the first offense and progressively increase thereafter. The ordinance also would require businesses to post "No Smoking" signs.

Naperville council debates citywide smoking ban

By Jake Griffin
Daily Herald Staff Writer

Posted Wednesday, August 16, 2006

Naperville inched closer to a citywide public smoking ban at Tuesday's city council meeting, getting hung up on possible exemptions to the law.

The council agreed to hold a town hall meeting before the end of September to help formulate an ordinance that could go into effect early next year.

City staff offered the council eight common exemptions within anti-smoking laws in other Illinois communities, but some councilmen wanted to discuss options for more.

"You're not going to tell me to not smoke in my home," said Councilman James Boyajian. "If I'm working at home and it's just me and my wife, home-to-office (uses) should be in here as an exemption."

The city staff recommends exemptions only for stage performances, hotel rooms and religious ceremonies. But other possible exemptions include nursing home rooms, retail tobacco stores, private banquet halls, private clubs and tavern liquor license holders. Other possible exemptions could be brought up at the town hall, city officials said.

"We are serious about putting some law together about banning smoking," said Councilman Darlene Senger. "The debate is going to be about exemptions and my concern is going to be about being educated on exemptions."



Councilmen want the focus of the town hall meeting to be about the impact those exemptions would have on the effect of the smoking ban.

Boyajian suggested including reports from businesses affected by the exemptions to help the council make a decision.

Several residents spoke in favor of a smoking ban, arguing that restaurant nonsmoking sections don't work.

"It's like having a swimming pool with a no urination section; it just doesn't work," said R.D. McKinney.

While the new law would impact all businesses, the restaurant and bar industry would be impacted the most.

Leaders from the Naperville Restaurant Association dropped off a petition gathered over the weekend of more than 2,000 signatures from customers who want a statewide ban, rather than citywide. Leaders of Smoke-Free Naperville dropped off another 700 signatures on a petition urging an immediate citywide smoking ban, bringing their total to more than 4,300.

"We oppose a smoking ban that unfairly creates an economic hardship on the city of Naperville," said restaurateur Jim Bergeron. "We're not opposing a smoking ban if we can make one work that has with it a level playing field."

But the council has pulled back from its previous stance of letting the state take care of the issue after state legislators said the law should be left up to municipalities.

"I am proud this town has taken a leadership stance on a smoking ban," said Tony Andrews, president of Smoke-Free Naperville. "We trust that you will honor the wishes of Naperville residents by moving forward with legislation consistent with this objective with all due speed."

Some councilmen were concerned the council was acting too slowly deciding the fate of a smoking ban considering the majority of the body seemed in favor of it. There are 21 Illinois municipalities with smoking bans in effect or ready to take effect within the next year.

"We're not inventing the wheel here, we're simply duplicating it," said Councilman Grant Wehrl.

City seeks input on smoking ban

By Kate R. Houlihan
staff writer

Naperville could very well have some sort of smoke-free ordinance in the future.

But what shape that ordinance could take – and whether it would come to fruition – was unclear, as people on both sides of a potential smoking ban packed the council chambers Tuesday to air their views and hear what council had to say.

The evening wasn't so much a council debate over what exemptions, if any, should be included in a smoking ban, but, rather, how the process of public input should be handled. Councilman James Boyajian said that rather than giving staff direction on exemptions now, it's better to hear what the public has to say and then create a course of action.

There were plenty of people on hand Tuesday to share emotional experiences and statistical facts.

"I watched my uncle die of lung cancer," resident Pamela Patel said. "He was a lifetime smoker. I watched my aunt die of cancer, and she never smoked a cigarette in her life. ... I ask you very loud and proud to make this a smoke-free Naperville."

Even a few analogies were thrown into the mix.

"In terms of a restaurant having a no-smoking section, that's like having a swimming pool with a no urination section," resident R.D. McKinney said. "It just doesn't work."

Resident Lynn Harrison said more than 4,000 signatures have been gathered by the grassroots group Smoke-Free Naperville.

But Riff Menza, vice president of the Naperville Restaurant Association, said 2,000 signatures from people opposing a Naperville-only smoking ban have been gathered.

"These people have a word as well as you people have a word, and all we ask is hear what they have to say as well," Menza said.

The idea of a smoking ban on a county or statewide level is a point stressed by those in the restaurant community as a way to guarantee someone won't drive by their establishment to another suburb that does allow smoking.

"If businesses are truly concerned about smokers going to other cities, other places than their own, why aren't they equally excited about nonsmokers coming to Naperville and using our businesses?" said Smoke-Free member Linda Erskine.

Some council members were ready to go through ideas for exemptions to a smoking ban, but the majority ultimately wanted more information about what exemptions could work for Naperville's situation.

"We need to come out with some way to say, 'here's maybe the broadest way we can go about being smoke-free and here's the exemptions' and get some public input from that," Councilwoman Darlene Senger said.

Councilman John Rosanova said facts supporting both sides of the issue need to be brought to light. But he said from what he's seen, "I don't think there's going to be that devastating of an effect on the business community and restaurants in town if we do a smoke-free ordinance in Naperville."

The council moved to hold a town hall meeting before the end of September with information about a smoke-free ordinance and have possible exemptions posted on the city Web site and mailed to businesses before that meeting.



Sun file

It will take at least another few months before the City Council decides whether to make Naperville a smoke-free municipality. On Tuesday, council members decided to gather more public input on what exceptions may be included in such an ordinance.

Council on hot seat on smoking ban

By Kate R. Houlihan
staff writer

Things could get a little heated in the City Council chambers tonight as officials tackle a burning issue.

Supporters of a smoking ban in Naperville's public places and opponents who say such an ordinance could drive customers away from Naperville's eateries and shops to surrounding towns are expected to pack the Municipal Center to offer opinions.

At its last meeting, the council asked city staff to provide samples of smoking ban ordinances and important information about such mandates.

Supporters satisfied

Staff listed exemptions for the council to consider, including bars and taverns, stage productions, long-term care rooms with residents who request a smoking room, tobacco stores, banquet hall space, hotel rooms, churches and private clubs or lodges. Although staff recommends the council include waivers for stage productions, churches or hotel rooms, it had no opinion on other potential exemptions.

"I'm really pleased with their report," Smoke-Free Naperville President Tony Andrews said.

Smoke-Free Naperville, a grassroots group, was responsible for bringing forward petitions with more than 2,750 signatures to the last council meeting.

The council will also look at potential hardship exemptions, discuss what an acceptable smoke-free perimeter around buildings would be and whether outdoor events would be regulated.

Businesses opposed

Jim Bergeron, owner of Jimmy's Grill and Brickhouse Pizzeria and a member of the Naperville Restaurant Association, said the issue goes beyond whether customers can enjoy cigarettes with their meals. Rather, it has economic issues that need to be considered when you have bordering towns with no smoking bans that could easily lure shoppers, diners and tourists.

"The process is moving too quickly and people are making decisions off of emotions versus fact," Bergeron said, recalling early in the year when a report advocating a statewide ban seemed to be the way council was leaning.

He said 30 to 40 restaurants are collecting signatures on a petition urging the council to consider what a ban could do to them.

"It's not a matter of disputing studies of how smoking effects health," he said. "Rather, it's a matter of making economic decisions in haste."

Bergeron said a smoking ban could be a good idea if implemented on a state or larger regional level.

Based on what the council decides, staff would then mock up regulations. From there the public and businesses would have opportunities for input.

If the council decides to move forward with a ban, an ordinance could be up for vote as early as late November.

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The following municipalities have smoke-free ordinances in place or ordinances that will take effect:

Bedford Park: June 1, 2006

Bloomington-Normal: Jan. 1, 2007

Buffalo Grove: Oct. 1, 2006

Burr Ridge: July 10, 2006

Champaign: Jan. 31, 2007

Chicago: Jan. 15, 2006

Cook County: March 15, 2007

Deerfield: March 1, 2006

DeKalb: Sept. 1, 2006

Elk Grove Village: March 1, 2007

Evanston: July 1, 2006

Highland Park: June 1, 2005

Hinsdale: July 1, 2006

Lincolnshire: Aug. 1, 2006

Lindenhurst: Nov. 16, 2006

Oak Park: July 1, 2006

Park Ridge: May 6, 2006

Skokie: July 7, 2004

Springfield: Sept. 17, 2006

Urbana: Aug. 1, 2006

Wilmette: July 1, 2004

- *Source: City of Naperville*

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