

1 **64-62010**

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3 **ORDINANCE: Create Section 9.31 of the General**  
4 **Code of Winnebago County: Smoking**  
5 **Prohibited in Specified Places**  
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8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**  
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10 **WHEREAS**, the State of Wisconsin recently adopted § 101.123, Wis Stats,  
11 which shall take effect on July 5, 2010; and  
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13 **WHEREAS**, it is economically and judicially prudent that Winnebago County  
14 adopt an ordinance mirroring the State Statute to allow law enforcement authorities  
15 within Winnebago County to issue citations for smoking violations as opposed to  
16 referring such violations to the Winnebago County District Attorney for the issuance  
17 of State forfeiture charges.  
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19 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of  
20 Supervisors as follows: That it hereby adopts Section 9.31 of the General Code of  
21 Winnebago County, which shall read as follows:  
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23 **9.31 Prohibition of Smoking in Certain Places**  
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25 (1) **Authority.** This ordinance is adopted pursuant to that authority provided by  
26 § 101.123(4m), Wis Stats.  
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28 (2) **Section 101.123, Wis Stats, incorporated herein by reference.** Section  
29 101.123, Wis Stats, to the extent such Statutory section requires any act be  
30 performed or prohibited, is hereby adopted and herein by reference made a  
31 part of this section of the General Code of Winnebago County as if fully set  
32 forth herein. Any act required to be performed or prohibited by § 101.123, Wis  
33 Stats, is required or prohibited by this section of the Code.  
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35 (3) **Penalty.** Any person who violates any provision of this section of the Code  
36 shall be subject to forfeitures of no less than \$100.00 but no greater than  
37 \$250.00 as is set forth in § 101.123(8), Wis Stats.  
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39 (4) **Applicability.** The provisions of this ordinance shall apply in all  
40 unincorporated areas of Winnebago County.  
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42 (5) **Effective Date:** This ordinance shall become effective as of July 5, 2010.  
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Submitted by:

**JUDICIARY AND PUBLIC SAFETY COMMITTEE**

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Committee Vote:

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Vote Requirement for Passage:

**Majority of Those Present**

Approved by Winnebago County Executive this \_\_\_\_\_ day of  
\_\_\_\_\_, 2010.

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Mark L Harris