

1 **65-62010**

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3 **RESOLUTION: Amend Section 9.14 of the General Code**  
4 **of Winnebago County: Smoking in**  
5 **County Buildings**  
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8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**  
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10 **WHEREAS**, several years ago, Winnebago County enacted Section 9.14 of the General  
11 Code of Winnebago County, prohibiting smoking in County buildings and in certain outside  
12 areas of Winnebago County as well as County leased or operated vehicles; and  
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14 **WHEREAS**, the State of Wisconsin has adopted § 101.123, Wis Stats, which prohibits  
15 smoking in public buildings and places throughout the State of Wisconsin; and  
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17 **WHEREAS**, it is imperative that definitions within the Winnebago County ordinance be  
18 updated so as to be consistent with those definitions in the new State Statute; and  
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20 **WHEREAS**, it is also in the best interests of Winnebago County that certain redundant  
21 parts of its present ordinance be rescinded.  
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23 **NOW, THEREFORE, BE IT RESOLVED** by the Winnebago County Board of  
24 Supervisors as follows: That Section 9.14 of the General Code of Winnebago County is hereby  
25 amended as is reflected in the attached written ordinance.  
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27 Submitted by:

28 **WINNEBAGO COUNTY BOARD OF HEALTH**  
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36 Committee Vote:

37 **4-0**.  
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40 Vote Requirement for Passage:

41 **Majority of Those Present**  
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45 Approved by the Winnebago County Executive this \_\_\_\_\_ day of

46 \_\_\_\_\_, 2010.  
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49 \_\_\_\_\_  
50 Mark L Harris  
Winnebago County Executive

**9.14 SMOKING IN COUNTY BUILDINGS.** (1) ~~AUTHORITY.~~ This Section of the Code is adopted under the authority granted by ~~Section 101.123(c)~~ **Section 101.123(4m)**, Wisconsin Statutes.

(2) **DEFINITIONS.** As used in this Section.

**(a) "Assisted Living Facility" means a community-based residential facility, as defined in § 50.01 (1g), a residential care apartment complex, as defined in § 50.01 (1d), or an adult family home, as defined in § 50.01 (1) (b).**

~~(a)(b) "Building" means any enclosed, indoor area of a structure owned by the County or any enclosed, indoor area of that part of a structure leased by the County.~~

~~(b) "Community-Based Residential Facility" shall have that meaning as defined in Section 50.01(1g), Wisconsin Statutes.~~

~~(c) "County-owned" means any buildings, as defined in this Section, owned by the County but not including buildings owned by the Winnebago County Housing Authority or the Public Safety Building.~~

~~(d) "County-leased" means any part of a building, as defined in this Section, which is leased by the County but not including buildings leased by the Winnebago County Housing Authority.~~

~~(e) "In Patient Health Care Facility" shall have that definition as provided in Section 140.86(1), Wisconsin Statutes.~~

~~(f) "Office" means any area that serves as a place of work at which the principal activities consist of professional, clerical, or administrative services.~~

**(e) "Enclosed, indoor area" means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent (50%) of the combined surface area of the vertical planes constituting the perimeter of the area.**

**(f) "Entrance" means a doorway which gives direct access to a building from a contiguous street, plaza, sidewalk or parking lot, windows, and building ventilation systems.**

**(g) "Smoking" means *inhaling, exhaling, burning, or carrying* carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment *in any manor or in any form*.**

**(h) "Sports arena" means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.**

~~(h)(i) "Vehicles" means any automobile, truck, or other motorized piece of equipment owned, leased or operated by the County having an enclosed cab or operating compartment.~~

**(i) "Workplace" means any enclosed indoor area that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, a storage area or and employee cafeteria. A private residence shall not be considered a place of employment unless it is used as a child care, adult day care or health care facility.**

(3) **SMOKING PROHIBITED.**

**(a) No person shall smoke in any County-owned or County-leased building, office workplace or vehicle at any time.**

**(b) Smoking is prohibited within all sports arenas on County-owned or County-leased property.**

**(c) Smoking is prohibited within twenty (20) feet of any entrance of a County-owned or County-leased building, sports arena, or workplace.**

~~(b)~~**(d)** That ~~no~~ **No** person shall smoke within the building or the campus area of Park View Health Center.

(1) The "Campus of Park View Health Center" shall be defined for the purpose of this ordinance as those areas, both indoors and outdoors, falling within the perimeter of the campus boundary surrounding the skilled nursing facility building at Park View Health Center, as is indicated in Exhibit "A", attached.

(4) EXCEPTIONS. ~~(A)~~ The prohibition in Subsection (3) shall not apply to the following structures or the following areas:

**(1) County-owned or County-leased residential rooms in assisted living facilities which are designated smoking as defined in §§ 101.123(3)(i) and 101.123(3)(j), Wisconsin Statutes.** ~~County-owned or County-leased Community-Based Residential Facilities.~~

**(2) Private residences in buildings owned or leased by the Winnebago County Housing Authority, unless the building is otherwise designated as smoke-free.**

~~(3) Facilities leased by the County to non-County entities and occupied by such entities, wherein such lease commences before July 1, 1996.~~

~~(B) The County Department Head who controls, governs, or directs any facilities which are listed as exceptions, above, shall be the "person in charge" of such facilities as defined in Section 101.123(1)(d), Statutes, and shall designate specific smoking areas in those structures or areas which are exceptions to this Ordinance, upon the advice and consent of the appropriate policy-making committee or board of jurisdiction, pursuant to that authority provided in Section 101.123(4), Wisconsin Statutes.~~

(5) RESPONSIBILITIES. The County shall post signs prohibiting smoking in all **and within twenty (20) feet of** County-owned and County-leased buildings, **sports arenas, and workplaces.** The signs shall be: (a) Of uniform dimensions and **other characteristics** ~~characteristics required under 101.123(2m), Wisconsin Statutes~~ **as specified by § 101.123(6) Wisconsin Statutes;** (b) be posted at every public **doorway** entrances ~~in a of~~ County-owned **and County-leased** buildings, **sports arenas, and workplaces** and every entrance to the County-leased portion of a County-leased building.

(6) PENALTIES AND ENFORCEMENT. (A) Any person who shall violate any provision of this Section of the Code shall, upon conviction thereof, forfeit ~~\$25~~ **\$100.00-\$250.00**, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding five (5) days.

(B) Citations may be issued for violations of this Section of the General Code as provided for in Section 25.04(4) of the General Code of Winnebago County.

(7) EFFECTIVE DATE. This Ordinance, ~~as amended~~, shall be in full force and effect as of January 1, 1992 **July 5, 2010.**