

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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7
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21 parts of its present ordinance be rescinded.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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39 Vote Requirement for Passage:

40 **Majority of Those Present**
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45 Approved by the Winnebago County Executive this _____ day of
46 _____, 2010.
47

48 _____
49 Mark L Harris
50 Winnebago County Executive

9.14 SMOKING IN COUNTY BUILDINGS. (1) **AUTHORITY.** This Section of the Code is adopted under the authority granted by § 101.123(4m), Wis Stats.

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

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

(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.

(c) "County-owned" means any buildings, as defined in this section, owned by the County

(d) "County-leased" means any part of a building, as defined in this section, which is leased by the County

(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, open windows, and any building ventilation systems.

(g) "Smoking" means inhaling, exhaling, burning, or carrying any 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.

(i) "Vehicle" means any automobile, truck, or other motorized piece of equipment owned, leased, or operated by the County

(j) "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, 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.

(d) 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.** The prohibition in subsection (3) shall not apply to the following structures or the following areas:

(a) 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), Wis Stats.

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

(c) Outside smoking areas, designated as such by the County Executive after conferring with the County Health Director, upon County-owned and leased property and sports arenas.

(5) RESPONSIBILITIES. The County shall post signs prohibiting smoking at least twenty (20) feet from the public entrance of County-owned and County-leased buildings, sports arenas, and workplaces. The signs shall be:

(a) Of uniform dimensions and other characteristics required under § 101.123(2m), Wis Stats, specified by § 101.123(6) Wis Stats;

(b) be posted at doorway entrances of County-owned and County-leased buildings, sports arenas, and workplaces

(6) PENALTIES AND ENFORCEMENT.

(a) Any person who shall violate any provision of this Section of the Code shall, upon conviction thereof, forfeit \$100.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution.

(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 shall be in full force and effect as of August 22, 2010.