

3 **ORDINANCE: Amend Section 9.14 of the General Code of Winnebago County**

6 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, the Winnebago County Board of Supervisors previously adopted Section 9.14 of the General
9 Code of Winnebago County, banning smoking in Winnebago County buildings and vehicles, which went into effect on
10 August 22, 2010; and

11 **WHEREAS**, said Ordinance was adopted under the authority granted by § 101.123(4m), Wis Stats; and

12 **WHEREAS**, since that time, the use of electronic devices to deliver nicotine or any other substance to
13 simulate smoking through inhalation has grown; and

14 **WHEREAS**, the Winnebago County Board of Health is not convinced that the inhalation of second-hand
15 aerosol or vapors from said product is completely safe; and

16 **WHEREAS**, some persons find the odor released by such aerosol or vapors to be irritating and noxious; and

17 **WHEREAS**, the Winnebago County Board of Health recommends that said electronic delivery devices be
18 prohibited from use in Winnebago County buildings and vehicles; and

19 **WHEREAS**, § 101.123(4m), Wis Stats, provides that said Statute, while prohibiting smoking in certain
20 buildings and facilities state-wide, does not limit the authority of any county to enact ordinances that, complying with
21 the purpose of said Statute, protect the health and comfort of the public. Said Statute further specifically allows
22 counties to adopt policies or ordinances regulating or prohibiting smoking on public property owned or controlled by
23 the County; and

24 **WHEREAS**, the Winnebago County Board of Health, in recommending the following amendments to Section
25 9.14 of the General Code of Winnebago County, does so in an attempt to eliminate confusion and conflict in
26 relationship to the use of electronic delivery devices within County buildings and vehicles.

28 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of Supervisors that it hereby
29 amends the following specified parts of Section 9.14 of the General Code of Winnebago County to read as follows:

9.14 SMOKING IN COUNTY BUILDINGS AND VEHICLES

(1) **AUTHORITY:** This section of the Code is adopted under the authority granted by § 101.123(4m), Wis Stats, and § 59.04, Wis Stats.

(2) **DEFINITIONS:** As used in this section. . .

(g) "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or any other lighted smoking equipment in any manner or in any form, including **aerosol or** vapors emitted from any **heated or** electronic delivery devices.

(k) "Electronic Delivery Devices" means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of aerosol or vapor from the product. The term "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hooka, vap-pen, or under any other product name or description.

BE IT FURTHER ORDAINED by the Winnebago County Board of Supervisors that said amendments to this Ordinance shall be effective as of April 19, 2015.

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Submitted by:
WINNEBAGO COUNTY BOARD OF HEALTH

Committee Vote: **8-0**

Vote Required for Passage: **Majority of Those Present**

Approved by the Winnebago County Executive this _____ day of April, 2015.

Mark L Harris
Winnebago County Executive