

SHEBOYGAN COUNTY ORDINANCE NO. 02 (2010/11)

Re: **Prohibiting Smoking in Public Places and Places of Employment**

WHEREAS, numerous scientific studies have shown that second-hand smoke has an adverse impact on human health and welfare, and

WHEREAS, the legislature of the State of Wisconsin has enacted 2009 WI Act 12 which amends Wis. Stat. § 101.123 with an effective date of July 5, 2010, and

WHEREAS, Wis. Stat. § 101.123 as amended, prohibits smoking in enclosed indoor areas that are public places or places of employment, and

WHEREAS, Wis. Stat. § 101.123 further grants authority to the County to enact an Ordinance to protect the health and comfort of the public from the effects of second-hand smoke, and

WHEREAS, the Sheboygan County Board has determined it is beneficial to the public health, comfort, safety, and general welfare to adopt an Ordinance clarifying the restrictions on smoking within the County limits;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Smoking Prohibited**. Chapter 38 of the Sheboygan County Code of Ordinances is hereby adding the follows:

38.33 INDOOR SMOKING. Pursuant to the authority granted by the County Board by Wis. Stat. § 101.123(4m), the statutory provisions of Wis. Stat. § 101.123 regulating or prohibiting smoking inside enclosed places and such other related regulated or prohibited activities, are hereby enacted by reference and made a part of this Ordinance. Persons in charge of any restaurant, tavern, private club, or retail establishments located in an area subject to this Ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employers, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.

38.34 PENALTY FOR INDOOR SMOKING. The penalty for violating any of the conduct prohibited under Section 38.33 shall be a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00) for each violation, except that if a person in charge of a facility fails to take any required action to stop illegal smoking or other activity prohibited herein, he or she is subject to a forfeiture of not to exceed One Hundred Dollars (\$100.00) for each violation but no more than one (1) penalty per day. If the person in charge has not previously received a warning notice, then the law enforcement officer must issue a warning for the first violation in lieu of a citation.

Section 2. **Chapter 16 Repealed.** Chapter 16, No Smoking Policy, of the Sheboygan County Code of Ordinances is hereby repealed.

Section 3. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 17th day of August, 2010.

HEALTH & HUMAN SERVICES COMMITTEE*

Peggy Feider
Peggy Feider, Chairperson

Kris Wheeler
Kris Wheeler, Vice-Chairperson

Vernon C. Koch
Vernon C. Koch, Secretary

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