

CHAPTER 22
SMOKING POLLUTION CONTROL ORDINANCE

WHEREAS, the Waupaca County Public Property Committee has reviewed the current smoking policy January, 1992; and

WHEREAS, substantial evidence demonstrates the burden placed on taxpayers by subsidizing the direct and indirect costs of permitting smoking in public work places, including higher insurance premiums and building maintenance costs; and

WHEREAS, in January, 1993, the U.S. Environmental Protection Agency classified environmental tobacco smoke as a major cancer causing agent -- a Group A human carcinogen, similar to asbestos, benzene and radon;

WHEREAS, the County has an obligation to provide a safe and healthy place for its employees and for people who interact with Waupaca County or its institutions; and

NOW, THEREFORE, BE IT RESOLVED that the Waupaca County Board of Supervisors does ordain as follows:

Legislative Findings and Purpose:

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a major contribution to indoor air pollution and that breathing secondhand smoke is a cause of disease, including lung cancer, in nonsmokers. At special risk are elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatic and those with obstructive airway disease; and

Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction, and bronchospasm.

Accordingly, Waupaca County Board of Supervisors finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke-free air, and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke.

Authority. This ordinance is enacted pursuant to authority granted in Section 101.123, Wisconsin Statutes (1991-1992).

Definitions:

“Smoking” means the combustion of any cigar, cigarette, pipe or other lighted smoking item or equipment.

“Resident” means a person who makes his or her home at a particular location, but does not include an employee of Waupaca County.

Regulation of Smoking. No person shall smoke indoors at any time or within 50 feet of a front entrance of any County owned facility to include any protrusion, balcony, veranda, etc. of a County owned facility.

Lakeview Manor. This ordinance shall not apply to any resident of the Waupaca County Lakeview Manor, so long as such resident smokes only in the area designated within that building.

Penalty. Any person convicted under this ordinance shall be subject to a forfeiture of not more than \$10.00, together with the cost of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture is paid at the rate of one (1) day for each \$10.00 due and owing.

Any person, firm or corporation violating any of the subsections of this ordinance may stipulate to guilt or no contest and may pay to the Clerk of Courts a bond described herein. Such stipulation shall make it unnecessary for the subject charged to appear in court and shall act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Section 66.12, Wisconsin Statutes (1991-1992), as may be amended from time to time.

Schedule of Deposits. Deposits upon a citation shall be made in cash, money order, or certified check to the Clerk of Waupaca County Circuit Courts, who shall provide a receipt therefore.

Enforcement. All Waupaca County law enforcement officials of the Waupaca County Sheriff’s Department are authorized to issue citations for violations of this ordinance. In addition, the Waupaca County health officer is hereby granted the authority to issue citations hereunder.

Prosecutions under this ordinance shall be made by the issuance of citations and the procedure to be followed shall be governed by Section 66.119, Wisconsin Statutes (1992-92). Prosecutions or contested cases shall be through the office of Corporation Counsel.

Notification to Public. The person in charge of any County owned or operating building or his or her designee shall cause to be posted at the entryway of all County buildings signs notifying the public of the fact that the building is a smoke-free building. Absence of such sign, by itself, shall not constitute a defense to a violation of this ordinance.

Employee Discipline. The Waupaca County Personnel Committee may establish policies concerning discipline of employees who violate this ordinance.

Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Waupaca County Board of Supervisors would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application thereof to any person or circumstance is held

invalid, the remainder of this ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

Bond Amounts for Violation of Smoking Ordinance.

Cash	Penalty	Fail	Automation	Court	Total
<u>Deposit</u>	<u>Assessment</u>	<u>Fee</u>	<u>Costs</u>	<u>Deposit</u>	
\$20.00	\$4.00	\$10.00	\$3.00	\$20.00	\$57.00

This ordinance shall take effect 30 days after passing and publication.