

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

GENERAL SERVICES
COMMITTEE
INITIATED BY



JEFFREY S. KUGLITSCH
DRAFTED BY

SEPTEMBER 4, 2012
DATE DRAFTED

GENERAL SERVICES
COMMITTEE
SUBMITTED BY

**REPEALING ROCK COUNTY SMOKING ORDINANCE 3.701 AND
ADOPTING WISCONSIN STATEWIDE SMOKE FREE AIR LAW**

1 WHEREAS, the State of Wisconsin has adopted a new statewide smoke free air law pursuant to
2 section 101.123, Wis. Stats.; and

3
4 WHEREAS, Rock County has reviewed its current ordinance and has made the following
5 changes.

6
7 NOW, THEREFORE, BE IT ORDAINED by the Rock County Board of Supervisors in session
8 this ____ day of _____, 2013, that Section 3.701 of the Rock County Code of Ordinances is
9 hereby repealed and recreated to read as follows:

10
11 **3.701 SMOKING IN CERTAIN PLACES PROHIBITED**

12
13 (1) Authority. This Ordinance is adopted under the authority granted by § 101.123, Wis. Stats. as
14 may be amended.

15
16 (2) Purpose. The purpose of this Ordinance is to promote the health and comfort of the public
17 and Rock County employees.

18
19 (3) Definitions. As used in this Section.

20
21 (a) "Assisted Living Facility" means a community-based residential facility, as defined in
22 Sec. 50.01(1g), Wis. Stats., a residential care apartment complex, as defined in Sec. 50.01(1d), Wis.
23 Stats. or an adult family home as defined in Sec. 50.01(1)(b), Wis. Stats.

24
25 (b) "Building" means any enclosed, indoor area of a structure owned by the County or any
26 enclosed, indoor area of that part of a structure leased by the County.

27
28 (c) "County-owned" means any buildings, as defined in this Section, owned by the County.

29
30 (d) "County-leased" means any part of a building, as defined in this Section, which is
31 leased by the County.

32
33 (e) "Enclosed Indoor Area" means all space between a floor and a ceiling that is bounded
34 by walls, doors, or windows, whether opened or closed, covering more than fifty percent (50%) of the
35 combined surface area of the vertical planes constituting the perimeter of the area.

36
37 (f) "Entrance" means a doorway which gives direct access to a building from a contiguous
38 street, plaza, sidewalk or parking lot, opened windows, and any building ventilation systems.

39
40 (g) "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette,
41 pipe, electronic cigarette or any other lighted smoking equipment in any manner or in any form.

42
43 (h) "Vehicle" means any automobile, truck, or other motorized piece of equipment owned,
44 leased, or operated by the county.

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

51

52 (4) Smoking Prohibited.

53

54 (a) No person shall smoke in any County-owned or County-leased building, work place or
55 vehicle at any time.

56

57 (b) Smoking is prohibited within thirty (30) feet of any entrance of a county-owned or
58 county-leased building, or workplace.

59

60 (c) No person shall smoke within the buildings, within thirty (30) feet of any building, or
61 within designated non-smoking areas of the campus grounds, at UW-Rock County.

62

63 (d) No person shall smoke within the building or the campus area of Rock Haven.

64

65 1. The "campus of Rock Haven" shall be defined for the purpose of this ordinance as
66 those areas, both indoors and outdoors, falling within the perimeter of the campus
67 boundary surrounding the skilled nursing facility building at Rock Haven.

68

69 (5) Exceptions. The prohibition in Subsection (3) shall not apply to the following structures or
70 the following areas:

71

72 (a) County-owned or County-leased residential rooms in assisted living facilities, which are
73 designated smoking as defined in §§ 101.123(3)(i) and 101.123(3)(j), Wis. Stats.

74

75 (b) Private residences in buildings owned or leased by Rock County, unless the building is
76 otherwise designated as smoke free.

77

78 (c) Outside smoking areas, designated and approved by the County Board.

79

80 (6) Responsibilities. The County shall post signs prohibiting smoking at least thirty (30) feet
81 from the public entrance of County-owned and County-leased buildings and work places. The signs
82 shall be: (a) of uniform dimensions and other characteristics required under § 101.123(2m), Wis. Stats.,
83 specified by § 101.123(6), Wis. Stats.; (b) be posted at doorway entrances of county-owned and
84 county-leased buildings, and work places.

85

86 (7) Penalties and Enforcement.

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88 (a) Any person who violates any provision of this Ordinance shall, upon conviction thereof,
89 forfeit not less than \$100.00, nor more than \$250.00 for each violation together with the costs of
90 prosecution and forfeiture.

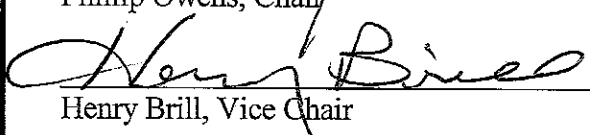
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92 (8) Effective Date. This Ordinance shall be full force and effect as of May 13, 2013.

Respectfully submitted:


GENERAL SERVICES COMMITTEE


Phillip Owens, Chair


Henry Brill, Vice Chair


Ivan Collins


Jason Heidenreich


Edwin Nash

LEGAL NOTE:

The County Board is authorized to take this action pursuant to §§ 59.01, 59.51 and 101.123, Wis. Stats.



Jeffrey S. Kuglitsch
Corporation Counsel

FISCAL NOTE:

No fiscal impact.



Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Matter of Policy.



Craig Kautson
County Administrator