

CHAPTER 11 - PUBLIC HEALTH

GENERAL PROVISIONS	
11.01	Reserved. (Ord. No. 179, Am. #109)
PROHIBITION OF SMOKING AND THE USE OF SMOKELESS TOBACCO	
11.10	Purpose
11.11	Definitions
11.12	Regulation of Smoking and Smokeless Tobacco Use
11.13	Incorporated Statutory Provisions
11.14	Penalties and Enforcement
11.15	Notification to the Public

GENERAL PROVISIONS

11.01 - RESERVED. (Ord. No. 179, 5-18-16)

PROHIBITION OF SMOKING AND THE USE OF SMOKELESS TOBACCO [\[1\]](#)

Footnotes:

--- (1) ---

Editor's note— Ord. No. 179, Am. #110, § 2, adopted May 18, 2016, repealed the former §§ 11.10—11.14 and 11.20—11.23, and enacted new §§ 11.10—11.15 as set out herein. The former §§ 11.10—11.14 and 11.20—11.23 pertained to similar subject matter and derived from Ord. No. 179, §§ 1—3, 5, adopted April 19, 1994; Ord. No. 179, Am. #18, § 2, adopted July 21, 1999; Ord. No. 179, Am. #42, § 2, adopted February 19, 2003.

11.10 - PURPOSE (Ord. No. 179, § 2, 5-18-16)

The purpose of this section is to promote and protect the health and comfort of the public and county employees through the regulation of smoking and use of smokeless tobacco, according to the authority granted this County by §101.123, Wis. Stats. and Ch. 59, Wis. Stats.

11.11 - DEFINITIONS (Ord. No. 179, § 2, 5-18-16)

For application to County-owned, leased or rented property, the following definition shall apply. For all other property included by adoption of §101.123, Wis. Stats., the statutory definition of smoking contained in §101.123(1)(h), Wis. Stats., or any amendments thereto, shall apply.

- (1) "Smoking" shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.
- (2) "Electronic Delivery Device" shall mean 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 vapor or aerosol from the product. "Electronic Delivery Device" shall include any such device, whether manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- (3) "Smokeless tobacco" shall mean any tobacco product that is used by means other than smoking, such uses include, but are not limited to, chewing, sniffing, placing the product between the teeth and gum, or application to the skin.

11.12 - REGULATION OF SMOKING AND SMOKELESS TOBACCO USE (Ord. No. 179, § 2, 5-18-16)

- (1) No person may smoke or use smokeless tobacco indoors at any time in any county-owned, rented or leased building.

- (2) No person may smoke or use smokeless tobacco within 20 feet of a public entrance to any county owned, rented or leased building.
- (3) No person may smoke on county property outside a designated smoking area if such property has a posted notice of this regulation and designated smoking areas.
- (4) Smoking shall not be allowed in park shelters or bathrooms, or maintenance buildings.
- (5) No person may smoke or use smokeless tobacco at any time inside of any county-owned, rented or leased vehicle.
- (6) In the event of conflict between the provisions of this ordinance and §101.123; Wis. Stats., the more restrictive regulation shall apply.

11.13 - INCORPORATED STATUTORY PROVISIONS
(Ord. No. 179, Am. 110, § 2, 5-18-16)

This ordinance shall incorporate the provisions of §101.123, Wis. Stats., as amended by 2009 Act 12, effective July 5, 2010. Any act required or prohibited by said statutory section shall be required or prohibited by this ordinance.

11.14 - PENALTIES AND ENFORCEMENT (Ord. No. 179, § 2, 5-18-16)

- (1) Any person who violates this ordinance or any part of this ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation, together with the costs of prosecution, fees and surcharges imposed under Ch. 814, Wis. Stats.
- (2) Except as provided in §101.123(8)(dm) or (em), Wis. Stats., any person in charge who violates incorporated §101.123(2m)(b) to (d), Wis. Stats. shall be subject to a forfeiture of \$100.00 for each violation.
 - a. For violations subject forfeiture, if the person in charge has not previously received a warning notice for a violation of incorporated §101.123(2m)(b) to (d), Wis. Stats., the law enforcement officer shall issue to the person in charge a warning notice and may not issue a citation.
 - b. No person in charge may be required under par. 5(b) to forfeit more than \$100.00 plus applicable costs, fees, and surcharges, in a total for all violations of incorporated §101.123(2m)(b) to (d), Wis. Stats. occurring on a single day.
- (3) Any person violating any of the subsections of this ordinance may stipulate to guilt or no contest and pay to the Clerk of Court a bond established by this ordinance. Such stipulation will make it unnecessary for the subject charged to appear in court, and will act as a basis for the court to enter judgement and order forfeiture of the bond.
- (4) All law enforcement officials of the Pepin County Sheriff's Department are hereby authorized in the name of the County of Pepin to issue citations for prosecution of violations occurring under this ordinance.

11.15 - NOTIFICATION TO THE PUBLIC (Ord. No. 179, § 2, 5-18-16)

- (1) The person in charge of county buildings or his or her designees shall cause to be posted at the entryway of each county building, signs notifying the public of the fact that the building is a smoke-free and tobacco free building. Absence of such a sign shall not be a defense to the violation of this ordinance.
- (2) The person in charge of county buildings or his or her designees shall cause to be posted signs notifying the public of the prohibition against smoking or use of smokeless tobacco within 20 feet of a public entrance to a county building.