

August 14, 2007

ORDINANCE NO. 2007-77

ORDINANCE BY THE PUBLIC WORKS, PARKS AND FACILITIES COMMITTEE
AMENDING VARIOUS SECTION OF CHAPTER 16, ARTICLE V OF THE RACINE
COUNTY CODE OF ORDINANCES RELATING TO SMOKING

To the Honorable Members of the Racine County Board of Supervisors:

The Racine County Board of Supervisors do ordain as follows:

Part 1

Section 16-91 of the Racine County Code of Ordinances relating to "*county buildings*" is hereby amended to read as follows:

Sec. 16-91. Definitions.

County buildings shall mean all buildings owned or leased by the County and operated by its employees. If only part of a building is leased to the County and operated by its employees, this ordinance shall apply only to those premises leased to the County, including common areas, and to the area within 25 feet of any entrance authorized for use by employees or customers of the County. This policy shall not apply to buildings which the County or any of its political subunits might own, but lease to other agents or to any facility which the County leases to provide offices or work sites for its employees. However, the corporation counsel shall contact all such lessors and lessees, informing them concerning both the state and County clean indoor air act and ordinance respectively, and encouraging them to voluntarily implement similar policies governing the use of the respective facilities they manage. No County political subunit nor any of its employees shall attempt to block or impede the implementation of any such policies provided they are written in accordance with this article. Additionally, any new leases or other types of contractual instruments entered into subsequent to the enactment of this article by the County or any of its political subunits shall incorporate the various smoking regulations stipulated within this article. This ordinance shall not invalidate any lease provision in a building leased in whole or in part to the County and operated by its employees, to the extent that any said provision is more restrictive to smoking than this ordinance. If any lease provision in any said building is less restrictive to smoking than this ordinance, then this ordinance shall apply.

Part 2

Section 16-93 of the Racine County Code of Ordinances relating to violations and penalties is hereby amended to read as follows:

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5 **Sec. 16-93. Violation; penalties.**
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7 Smoking in areas where smoking is not permitted under the provisions of this article,
8 or disposing of smoking materials other than in designated receptacles for said materials in
9 areas where smoking is permitted under this article, is a violation of this article. Any
10 person who smokes in an area covered by this article where smoking is not permitted, or
11 who disposes of smoking materials other than in designated receptacles for said materials
12 in violation of this article, in areas where smoking is permitted under this article, shall, upon
13 conviction, forfeit ~~not less than one dollar (\$1.00) nor more than~~ ten dollars (\$10.00)
14 together with assessments and costs of prosecution. In default of payment thereof, the
15 violator may be held in contempt of court and ~~imprisoned in~~ sanctioned to the County jail
16 until paid, ~~but not more than thirty (30) days~~ for a period determined by the court.
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19 **Part 3**

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21 Section 16-95 of the Racine County Code of Ordinances relating to prohibition is
22 hereby amended to read as follows:
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24 **Sec. 16-95. Prohibition.**
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26 (a) Except as specifically provided in section 16-96, no person may smoke in the
27 following places:
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- 29 (1) Any enclosed, indoor area located within any building owned or leased by the
30 County and operated by its employees. This includes all elevators, public lobbies,
31 corridors, waiting rooms, dining areas, restrooms, stairwells, auditoriums,
32 conference, meeting, and/or training and testing rooms, offices, jury assembly and
33 deliberation rooms, courtroom and other associated hearing, counseling and waiting
34 areas, garage and shop work areas, meeting facilities specifically designated in
35 W.S.A. s101.123, including educational facilities, inpatient health facilities,
36 community based residential facilities, restaurants, retail establishments including
37 stores, shops or concession sales outlets, and all other enclosed, indoor area
38 facilities contained within buildings owned or leased by the County. If only part of a
39 building is leased to the County and operated by its employees, the area where
40 smoking is prohibited also includes common areas within the building, and the area
41 within 25 feet of any entrance authorized for use by employees or customers of the
42 County.
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44 (2) Any County owned motor vehicle and any means of public conveyance owned or
45 leased by the County and operated by its employees.
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6 (3) ~~In conference/meeting/training rooms located within any county building.~~ Any area
7 within 25 feet of the entrance to an enclosed structure in which smoking is
8 prohibited.

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10 (b) No person may dispose of any smoking materials other than in designated
11 receptacles for said materials, in areas where smoking is permitted under this article.
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14 Respectfully submitted,

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16 1st Reading _____

**PUBLIC WORKS, PARKS AND FACILITIES
COMMITTEE**

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18 2nd Reading _____

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20 BOARD ACTION

Gilbert Bakke, Chairman

21 Adopted _____

22 For _____

23 Against _____

24 Absent _____

Daniel F. Sharkozy, Vice-Chairman

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26 VOTE REQUIRED: Majority

Mike Dawson, Secretary

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28 Prepared by:
29 Corporation Counsel

Robert D. Grove

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32 _____
Kenneth Hall

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35 _____
Diane Lange

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38 _____
Donnie Snow
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