

SECTION 6.05 OF THE
TOWN OF SHEBOYGAN MUNICIPAL CODE
REGULATING
SMOKING PROHIBITED IN ANY ENCLOSED AREA OR PLACE OF
EMPLOYMENT OWNED BY THE TOWN OF SHEBOYGAN

WHEREAS, it is recognized that the smoking of tobacco-related products is hazardous to the health of both smokers and nonsmokers who are exposed to smoking; and

WHEREAS, the health hazards of smoking and breathing secondhand smoke to both employees of the Town of Sheboygan and those who come upon or use Town of Sheboygan facilities include, without limitation, lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm; and

WHEREAS, this ordinance is enacted to protect health, safety, comfort and general welfare of the employees of the Town of Sheboygan and those who come upon or use Town of Sheboygan facilities.

NOW THEREFORE, the Town Board of the Town of Sheboygan does hereby ordain as follows:

Section 1. **Creating Code.** Section 6.05 of the Town of Sheboygan Municipal Code is hereby created to read as follows:

- (1) **Purpose.** This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the employees of the Town of Sheboygan and those who come upon or use Town of Sheboygan facilities.
- (2) **Definitions.**
 - (a) "Cigarette" has the meaning set forth in Wis. Stat. § 139.30(1m).
 - (b) "Enclosed Area" means all space between a floor and a ceiling that is enclosed on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.
 - (c) "Place of Employment" means an enclosed area owned by the Town of Sheboygan which employees normally frequent during the course of employment including, but not limited to, common work areas, private offices, employee lounges, restrooms, conference and meeting rooms, stairways, hallways, vehicles of any kind, and all other enclosed areas.
 - (d) "Smoking" means inhaling, exhaling, carrying, possessing or controlling any lighted cigarette or any lighted tobacco product in any form or in any manner.
 - (e) "Tobacco Product" has the meaning set forth in Wis. Stat. § 139.75(12).

(3) Smoking Prohibited.

- (a) Smoking is prohibited in any enclosed area or place of employment owned by the Town of Sheboygan.
- b) The prohibition on smoking shall be communicated to all existing employees prior to the effective date of this ordinance and to all prospective employees upon their application for employment.
- (c) Signs shall be conspicuously posted in every building owned by the Town of Sheboygan indicating that smoking is not allowed and referencing that the regulation is enforced by Ordinance Section 6.05.

(4) Penalty.

The penalty for violation of this section shall be the penalty provided in Section 11.04 of this Code.”

Section 2. **Effective Date.** This Ordinance shall take effect upon adoption and posting as required by law.

Adopted this 21st day of April 2009.

TOWN OF SHEBOYGAN

By **DANIEL W. HEIN**, Chairperson

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Sheboygan on the 21st day of April 2009.

CATHERINE A. CONRAD, Town Clerk