

ENROLLED ORDINANCE 177-92

AMEND WAUKESHA COUNTY CODE TO PROHIBIT USE OF E-CIGARETTES
ANYWHERE TOBACCO SMOKING IS PROHIBITED

WHEREAS, through the adoption of Enrolled Ordinance 144-53, in 1990 the Waukesha County Board adopted a smoke free environment policy within Waukesha County buildings which was codified in the Waukesha County of Ordinances and is currently found in Section 3-2; and

WHEREAS, Section 14-148 of the County Code extends the smoking ban to any part of a county park where officially posted notices prohibit smoking; and

WHEREAS, in 2009, Wisconsin passed the Smoke Free Air law guaranteeing everyone's right to breathe clean air in all workplaces; and

WHEREAS, at the time of these actions e-cigarettes did not exist and they are not expressly included in the county's smoke free environment policy; and

WHEREAS, numerous studies have demonstrated e-cigarettes contain unsafe levels of nicotine, chemicals and heavy metals; and

WHEREAS, prohibiting the use of e-cigarettes in workplaces and communal venues will increase public health and ensure that vulnerable populations are not subject to harmful or unwanted pollutants.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that Section 3-2 of the Waukesha County Code of Ordinances be repealed and recreated as follows:

Sec. 3-2 Smoke-free environment.

(a) All buildings and facilities under the County's control are smoke free environments and no individual is permitted to smoke within any such building or facility.

(b) Smoking within forty (40) feet of the outside of any entrance of a building or facility on County grounds is prohibited, except as described below:

1. Justice Center balconies within the County jail;
2. Designated area(s) within the Courthouse/Administration Center Courtyard;
3. Designated area near the Health and Human Services Center Receiving area; and,
4. Designated area(s) at the Mental Health Center.

(c) The County Executive may specify additional designated smoking areas and may also make modifications to those designated smoking areas listed in sub. (b). Any modifications shall be subject to review and approval by the Human Resources Committee.

(d) As used in this section, "smoke" or "smoking" means to smoke, hold or carry a lighted pipe, cigar, cigarette, cannabis or cannabis derivative, or tobacco-related products in any form. Smoking also includes 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.

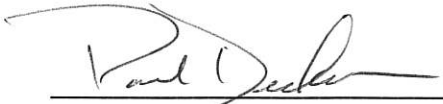
BE IT FURTHER ORDAINED that Sec. 14-148 of the Waukesha County Code of Ordinances be repealed and recreated as follows:

Sec. 14-148 Smoking; throwing lighted cigarette or cigar out of motor vehicle

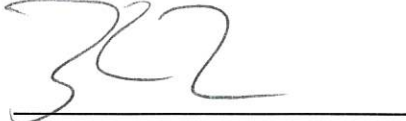
- (a) No person shall be permitted to smoke, as defined in Sec 3-2 (d), in any building, or section of a building, or in any park where officially posted notices so prohibit.
- (b) No person shall throw or drop a lighted cigar or cigarette stub or empty a lighted pipe from a motor vehicle moving along a park drive.

AMEND WAUKESHA COUNTY CODE TO PROHIBIT USE OF E-CIGARETTES
ANYWHERE TOBACCO SMOKING IS PROHIBITED

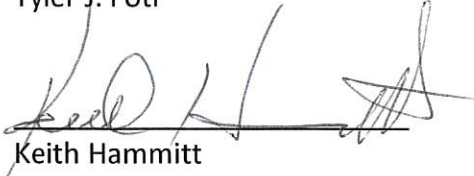
Presented by:
Executive Committee



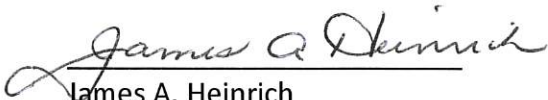
Paul L. Decker, Chair




Tyler J. Foti



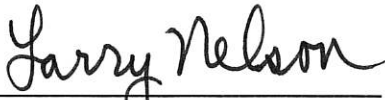
Keith Hammitt



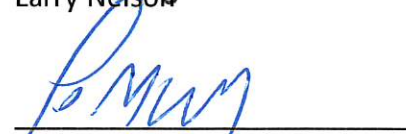
James A. Heinrich



Jacob LaFontain



Larry Nelson



Peter M. Wolff

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 3/3/2023, Margaret Wartman
Margaret Wartman, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 3/3/2023, Paul Farrow
Paul Farrow, County Executive

VOTE RESULTS

20 YES 0 NO 0 ABSTAIN 5 ABSENT

Ordinance 177-O-099

Ordinance 177-O-099: Amend Waukesha County Code To Prohibit Use Of E-Cigarettes Anywhere Tobacco Sn

Passed By Majority Vote

D1 - Foti	AYE	D10 - Thieme	ABSENT	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	ABSENT	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	ABSENT	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	AYE	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Vacant	ABSENT	D17 - Meier	ABSENT		
D9 - Heinrich	AYE	D18 - Nelson	AYE		