

1 **64-62010**

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3 **ORDINANCE: Create Section 9.31 of the General**
4 **Code of Winnebago County: Smoking**
5 **Prohibited in Specified Places**
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8 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**
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10 **WHEREAS**, the State of Wisconsin recently adopted § 101.123, Wis Stats,
11 which shall take effect on July 5, 2010; and
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13 **WHEREAS**, it is economically and judicially prudent that Winnebago County
14 adopt an ordinance mirroring the State Statute to allow law enforcement authorities
15 within Winnebago County to issue citations for smoking violations as opposed to
16 referring such violations to the Winnebago County District Attorney for the issuance
17 of State forfeiture charges.
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19 **NOW, THEREFORE, BE IT ORDAINED** by the Winnebago County Board of
20 Supervisors as follows: That it hereby adopts Section 9.31 of the General Code of
21 Winnebago County, which shall read as follows:
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23 **9.31 Prohibition of Smoking in Certain Places**
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25 (1) **Authority**. This ordinance is adopted pursuant to that authority provided by
26 § 101.123(4m), Wis Stats.
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28 (2) **Section 101.123, Wis Stats, incorporated herein by reference**. Section
29 101.123, Wis Stats, to the extent such Statutory section requires any act be
30 performed or prohibited, is hereby adopted and herein by reference made a
31 part of this section of the General Code of Winnebago County as if fully set
32 forth herein. Any act required to be performed or prohibited by § 101.123, Wis
33 Stats, is required or prohibited by this section of the Code.
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35 (3) **Penalty**. Any person who violates any provision of this section of the Code
36 shall be subject to forfeitures of no less than \$100.00 but no greater than
37 \$250.00 as is set forth in § 101.123(8), Wis Stats.
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39 (4) **Applicability**. The provisions of this ordinance shall apply in all
40 unincorporated areas of Winnebago County.
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42 (5) **Effective Date**: This ordinance shall become effective as of July 5, 2010.
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Submitted by:

JUDICIARY AND PUBLIC SAFETY COMMITTEE

Committee Vote:

Vote Requirement for Passage:

Majority of Those Present

Approved by Winnebago County Executive this _____ day of

_____, 2010.

Mark L Harris