

CHAPTER 34

BROWN COUNTY CLEAN INDOOR AIR

34.01 INTRODUCTION. The smoking of tobacco products and other substances indoors causes recognized adverse health effects on not only the individuals smoking but also on others. Smoking indoors adversely affects among other things, health, safety, comfort, employee production and building maintenance expenses.

While it is difficult to quantify exactly, smoking indoors also drives up publicly funded expenses in terms of increased health insurance premiums, increased sick leave use, increased building maintenance and decreased employee productivity. In addition, there is a public interest of taxpayers to an investment in its employees by paying their health insurance, and a need to maintain employee health to keep county costs from rising.

Brown County, having received information and recommendations from a study committee on smoking issues, considered the problems caused by smoking indoors and believing it to be in the best interest of Brown County and its citizens, has recommended that the Brown County Board of Supervisors adopt the Clean Indoor Air Ordinance set out herein.

34.02 PURPOSE, AUTHORITY AND INTENT. Reports from the Surgeon General, the Environmental Protection Agency and others show that smoking contributes to health problems of County employees and members of the public exposed to indoor smoke, both directly through deliberate use of smoking materials and indirectly, to nonsmokers, through involuntary inhalation of smoke in the air. This ordinance is enacted to protect the health and comfort of the public through the regulation of smoking, according to the authority granted this County by Sec. 101.123 (2)(c), Stats. (The Wisconsin Clean Indoor Act) and Sec. 59.07, Stats.

34.03 DEFINITION. "Smoking" as the term is used in this Ordinance means a lighted cigar, cigarette, pipe or any other lighted smoking item or equipment.

34.04 REGULATION OF SMOKING. No person may smoke indoors at any time in any of the County owned buildings listed in Appendix "A", located in the County of Brown, Wisconsin, as set forth in Appendix A to this ordinance.

Department Heads in all other county-owned, rented, or leased buildings not listed in Appendix A shall enforce a "No Smoking" policy consistent with Sec. 101.123, Stats. (The Wisconsin Clean Indoor Air Act).

34.05 PENALTY. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not more than \$25.00, together with the costs of prosecution, and in willful default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until said forfeiture is paid at the rate of 1 day for each \$25.00 fine.

Any person, firm, or corporation violating any of the subsections of this ordinance may stipulate to guilt or no contest and may pay to the Clerk of Court a bond according to a

schedule prescribed by the Circuit Court of Brown County. 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 judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Brown County Circuit Court who shall provide a receipt therefore. And the amount of the bond is hereby affixed at \$25.00 plus surcharges or such amount that the Circuit Court of Brown County hereafter affixes.

Adoption of this ordinance does not preclude the County Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter. And issuance of a citation hereunder shall not preclude the County or any authorized officer from proceeding under any other ordinance or law by any other enforcement method to enforce any ordinance, regulation or order.

34.06 NOTIFICATION TO PUBLIC. The person in charge of any County building or his or her designee, shall cause to be posted at the entryway of all County buildings, signs notifying the public of the fact that the building is a smoke-free building. Absence of such sign, however, shall not be a defense to the violation of this ordinance.

34.07 ENFORCEMENT. All Brown County law enforcement officials of the Brown County Sheriff's Dept. are hereby authorized in the name of the County of Brown to issue citations for prosecution for violations occurring under this chapter as well as the Superintendent of Buildings and Grounds. In addition, such officials may delegate this authority to department heads and/or persons in charge of the County buildings set forth in Appendix A.

Prosecutions under this chapter shall be made by the issuance of citations and the procedure to be followed shall be governed by those Wisconsin Statutes Section 866.119 which are pertinent and applicable to its prosecution of ordinances by citation. The District Attorney or the Corporation Counsel shall, upon receipt of a complaint from the Sheriff's Department or Superintendent of Buildings & Grounds, institute appropriate legal proceedings against the alleged offender.

34.08 EMPLOYEE DISCIPLINE. In addition to or in lieu of enforcement of this ordinance by forfeiture, violations of this section by County employees and officers may be punished by appropriate discipline as a violation of a reasonable work rule as determined by the supervisor of the employee and/or the Superintendent of Buildings and Grounds.

APPENDIX "A"

Schedule of Locations

Brown County Courthouse
100-120 S. Jefferson St., Green Bay

Brown County Courthouse Annex
300 E. Walnut St., Green Bay

Brown County Safety Building
121-27 Adams St.,
Green Bay

Brown County Circuit Courts Bldg.
300 S. Adams St.,
Green Bay

Northern Building
305 E. Walnut St.,
Green Bay

Brown County Office Building (Former Federal Bldg.)
111 N. Jefferson St.,
Green Bay

Brown County Veterans Memorial Arena/ Expo Center (Excluding that portion leased
1901 S. Oneida St., and not open to the public)
Ashwaubenon

Austin Straubel Airport Building
2077 Airport Dr.,
Ashwaubenon

Brown County Agriculture & Extension Service Center
1150 Bellevue St.,
Green Bay

Brown County Handicapped Children's Education
Syble Hopp School
755 Scheuring Rd., De Pere

Brown County Mental Health Center (Excluding that part designated for clients,
2900 St. Anthony Dr., Green Bay having a prescription from a physician, within the
residential area of the inpatient health care facility,
not accessible to other clients and members of the
public).

DePere Branch, Brown County Library
380 Main St., DePere

Brown County Solid Waste Bldg,
3852 Heritage Rd., Cty. X
Town of DePere

Brown County Solid Waste Bldg.,
3734 W. Mason, Hwy. 54
Town of Hobart

Neville Public Museum of Brown County
210 Museum Place
Green Bay

Brown County Park Dept./ Reforestation Camp
4418 Reforestation Rd.,
Town of Suamico

Brown County Park Dept./ Barkhausen Sanctuary
2024 Lakeview Dr., Town of Suamico

Brown County Park Dept./ Pamperin Park
2798 Memorial Dr.,
Howard

Brown County Park Dept./Way-Moor Park
Dickinson Rd., (Rt. 2
Greenleaf), Town of Morrison

Brown County Park Dept./Wrightstown Park
Washington St., Wrightstown

Brown County Park Dept./Lily Lake Rec. Area
3897 Lilly Lake Rd.,
Town of Eaton

Brown County Park Dept./Bayshore Park
5637 Sturgeon Bay Rd., Town of Green Bay

Brown County Youth Ice Hockey Center
857 Packer Drive, Ashwaubenon

Brown County Park Dept./Neshota Park
5757 Park Rd., Town of New Denmark

Brown County Youth Home
2980 St. Anthony Dr., Green Bay

Brown County Fairgrounds Buildings
1500 Fort Howard Ave., DePere

Brown County Library, Main Branch
515 Pine St., Green Bay

Brown County Coroner Office Building
617 N. Irwin, Green Bay

Brown County Library, Southwest Branch
974 9th St., Green Bay

Brown County Library, Denmark Branch
118 E. Main St., Denmark

Brown County Library, Pulaski Branch
222 W. Pulaski, Pulaski

Brown County Library, Wrightstown Branch
529 Main St., Wrightstown

Brown County Library, Howard Branch
2637 Tulip Ln., Howard

Brown County Library, Ashwaubenon Branch
1060 Orlando St., Ashwaubenon

Brown County Library, East Branch
2255 Main St., Green Bay

Brown County Highway Dept. Bldg.
2198 Glendale, Howard

Brown County Highway Dept. Bldg., Greenleaf
Hwy. 57, Town of Wrightstown

Brown County Highway Dept. Bldg., Langes Corners
Steve's Cheese Rd., Town of New Denmark

Brown County Highway Dept. Bldg., New Franken
Route I, Hwy 54, Town of Scott

Brown County Highway Dept. Bldg., Scrays Hill
Scrays Hill Rd., Town of De Pere

Brown County Golf Course Maintenance Buildings
897 Riverdale Dr., Town of Hobart