

ORDINANCE -2020
AMENDING CHAPTER
OF THE
VILLAGE OF COTTAGE GROVE MUNICIPAL CODE

The Village Board for the Village of Cottage Grove, Dane County Wisconsin, does hereby ordain as follows:

SECTION I. – BACKGROUND RATIONALE

The Village Board finds that smoking tobacco products is hazardous to the health of both smokers and nonsmokers who are exposed to smoking. Reliable scientific studies, including studies conducted by the Surgeon General of the United States, have shown that breathing side-stream or secondhand smoke is a significant health hazard to nonsmokers, particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. Health hazards induced by breathing side-stream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction, and bronchospasm. This Section is adopted for the purpose of protecting the public health, general welfare, safety and comfort of the people of the Village of Cottage Grove.

SECTION II. – DEFINITIONS

§ 101.123 State statutes adopted.

- a) The provisions of Wis. Stat. § 101.123 relating to the regulation of smoking and clean indoor air, except provisions therein relating to penalties to be imposed, are adopted by reference and made a part of this article as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated by reference in this section is required or prohibited by this article. Any future amendment, revisions or modifications of the statutes incorporated in this section are intended to be made a part of this article.
- b) The prohibitions contained in subsection (a) relating to smoking shall include, but are not limited to, the use of an electronic delivery device. Electronic delivery device means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- c) “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any

manner or in any form. “Smoking” also includes the use of an electronic smoking device with created an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

SECTION III. – PROHIBITION OF SMOKING IN PUBLIC AREAS

No person may smoke in any of the following places:

- a) Anyplace where smoking is prohibited by Wis. Stats. § 101.123(2) as in effect on July 5, 2010.
- b) Within fifteen (15) feet of any public building entrance.
- c) Within all buildings and equipment owned, leased or rented by the Village. Facilities specifically included within the scope of this section, but not limited thereto, are Village-owned facilities such as the Village Hall, Police Department and municipal buildings.
- d) Within Village Parks.
- e) Persons in charge of a restaurant, tavern, private club, or retail establishment may establish outside smoking areas where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke. Such places shall be established a reasonable distance from any entrance, open window or vent leading inside the restaurant, tavern, private club or retail establishment.

SECTION IV. – EXCEPTIONS

The prohibitions in section (3) shall not apply to any place identified in Wis. Stats. § 101.123(3) as in effect of July 5, 2010.

SECTION V. – VIOLATIONS AND PENALTIES

Any person who violates any provision or any rule or regulation of this article shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19 of this Code.

EFFECTIVE DATE

This ordinance shall take effect upon compliance with the publication/posting requirements of the Wisconsin Statutes.

Adopted this th day of , 2020.

BY ORDER OF THE VILLAGE BOARD
VILLAGE OF COTTAGE GROVE

John Williams, Village President

Attest:

Lisa Kalata, Village Clerk