

**CITY OF SHEBOYGAN
ORDINANCE 23-23-24**

BY ALDERPERSONS SALAZAR AND FELDE.

OCTOBER 2, 2023.

AN ORDINANCE amending Section 26-20(c) so as to update the list of public buildings where smoking is prohibited.

WHEREAS, in 2011 the City sold the building located at 833 Center Avenue, and in November, 2022, Uptown Social senior center relocated from 428 Wisconsin Avenue to 1817 North 8th Street, necessitating an update to the Sheboygan Municipal Code.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1:**AMENDMENT** “Sec 26-20 Smoking Prohibited; Exceptions” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 26-20 Smoking Prohibited; Exceptions

- (a) *State law adopted.* The provisions of Wis. Stats. § 101.123(1), (2), (2m), (3), (6) and (9), and all acts amendatory thereof, to the extent applicable within the city, are adopted by reference in this section as if fully set forth herein.
- (b) *Designated outdoor smoking areas.* The person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to this section may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke.
- (c) *Prohibited in public buildings.* No person shall smoke in any city-owned or -leased public building or within 25 feet of a main entrance thereof at any time, including, but not limited to, the following:
 - (1) City Hall, 828 Center Avenue.
 - (2) ~~Public Works Building, 833 Center Avenue.~~ Sheboygan Transit Building, 608 South Commerce.
 - (3) Bus Transfer Terminal, across from 828 Pennsylvania Avenue.
 - (4) Municipal Service Building, 2026 New Jersey Avenue.
 - (5) Fire stations:
 - a. Station No. 1, 833 New York Avenue.
 - b. Station No. 2, 2413 South 18th Street.

- c. Station No. 3, 1326 North 15th Street.
- d. Station No. 4, 2622 North 8th Street.
- e. Station No. 5, 4504 South 18th Street.
- (6) Mead Public Library, 710 North 8th Street.
- (7) Uptown Social senior center, Senior Activity Center, 1817 North 8th Street~~428 Wisconsin Avenue.~~
- (8) Marina Administration Building, 821 Broughton Drive.
- (9) Youth Boating Center, 619 Broughton Drive.
- (10) Deland Park Community Center, 901 Broughton Drive.
- (11) Wastewater Treatment Facility, 3333 Lakeshore Drive.
- (12) Water Utility Building, 72 Park Avenue.
- (13) Any other city-owned or -rented office.
- (14) All city-owned or -leased motor vehicles.
- (d) *Prohibited in council meetings.* No person shall smoke while in attendance at any public meeting of the common council or in any of its authorized committees regardless of the location of the meeting.
- (e) *Removal of signs prohibited.* It shall be unlawful for any person to remove, deface or destroy any legally required no smoking sign.
- (f) *Penalties.* The following penalties shall apply to violations of this section as indicated:
 - (1) Any person who violates the provisions of Wis. Stats. § 101.123(2), as incorporated herein in subsection (a) or (b) of this section, shall be subject to a forfeiture of not less than \$100.00 nor more than \$250.00 for each violation, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 80 days.
 - (2) Except as provided in subsection (c)(3) or (4) of this section, any person in charge who violates Wis. Stats. § 101.123(2m)(b) through (d), as incorporated herein in subsection (a) of this section shall be subject to a forfeiture of \$100.00 for each violation, together with the costs of prosecution, and in default of payment thereof, to imprisonment in the county jail until such forfeiture and costs are paid, but not to exceed 80 days.
 - (3) For violations subject to the forfeiture under subsection (c)(2) of this section, if the person in charge has not previously received a warning notice for a violation of Wis. Stats. § 101.123(2m)(b) through (d), as incorporated herein in subsection (a) of this section, the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
 - (4) No person in charge may be required under subsection (c)(2) of this section to forfeit more than \$100.00 in total, plus costs of prosecution, for all violations of Wis. Stats. § 101.123(2m)(b) through (d), as incorporated in subsection (a) of this section, occurring on a single day.

(Code 1997, § 70-6; Ord. No. 136-96-97, § 1, 4-14-1997; Ord. No. 9-10-11, § 1, 6-21-2010; Ord. No. 61-10-11, § 1, 4-18-2011; Ord. No. 13-11-12, § 1, 7-5-2011)

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan