

ORDINANCE No. 19-2

AN ORDINANCE REGULATING SMOKING AND VAPING

The Village Board of the Village of Elk Mound, Dunn County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 8-1-15 of the Village of Elk Mound Code of Ordinances is created to read as follows:

Sec. 8-1-15 Regulation of Smoking and Vaping.

- (a) **Finding of Facts; Statement of Purpose; Definitions.**
 - (1) The findings of fact and statement of purpose set forth in Section 11-5-9(a) are incorporated herein by reference and made a part of this Section as if fully set forth herein.
 - (2) The definitions set forth in Section 11-5-9(b) are incorporated herein by reference and made a part of this Section as if fully set forth herein.
- (b) **Statutory Requirements Adopted.** The provisions of Sec. 101.123, Wis. Stats., relating to the Regulation of Smoking and Clean Indoor Air, except the provisions therein relating to penalties to be imposed, are hereby adopted by reference and made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made a part of this Section.
- (c) **Smoking Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of the need to protect the health and safety of the public and Village employees from the detrimental effects of smoking, pursuant to the authority granted to the Village of Elk Mound by Sec. 101.123(2)(c), Wis. Stats., smoking as defined by Sec. 101.123(1)(h), Wis. Stats., is prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Elk Mound, except in designated areas.
- (d) **Vaping Prohibited Within or Upon All Buildings and Equipment Owned, Leased or Rented by the Village.** In recognition of the need to protect the health and safety of the public and Village employees from the detrimental effects of vaping and to maintain consistency with no-smoking regulations, the use of a vapor device is prohibited by any person within or upon all buildings and enclosed equipment owned, leased or rented by the Village of Elk Mound, except in designated areas. Furthermore, it shall be unlawful

for any person to use a vapor device or product on any school grounds or building.

- (e) **State Statutes Adopted.** The provisions of Sec. 120.12(20), Wis. Stats., regulating smoking on school premises are adopted by reference and made part of this Section as though set forth in full.

Cross-Reference: Section 11-5-9

SECTION II. SEVERABILITY.


If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 3rd day of April, 2019.

VILLAGE OF ELK MOUND, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: 4/3/19
ADOPTED: 4/3/19
POSTED/PUBLISHED: 4/9/19

State of Wisconsin:
County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly adopted by the Village Board of the Village of Elk Mound on the 3rd day of April, 2019. and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 3rd day of April, 2019.



Pat Hahn, Village Clerk-Treasurer