

RESOLUTION

Resolution No.

ORDINANCE 008-2010-77

AN ORDINANCE TO CREATE SMOKE FREE RESTAURANT REGULATIONS AND IMPLEMENTING WISCONSIN'S SMOKE-FREE LAW

THE ASHLAND COUNTY BOARD OF SUPERVISORS DO ORDAIN AND ENACT AS FOLLOWS:

1. An Ordinance to implement the statewide smoking ban

2. *Smoking Ban Adopted*

a. *Smoking Ban Adopted.* The County hereby adopts, by reference, the provisions of WI. Statute §101.123, Smoking prohibited, pertaining to the statewide smoking ban.

b. *Definitions.* For purposes of enforcing the smoking ban in the County of Ashland the following definition shall apply instead of the definition found in state statutes:

“Enclosed place” shall mean all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constitution the perimeter of the area. A wall includes a retractable divider, garage door, or other physical barrier, whether temporary or permanent.

c. *Inspection and enforcement.* The Ashland County Sheriff's Department shall have the power to enter any premises subject to the smoking ban under state law to ascertain whether the premises are in compliance with this section and take appropriate enforcement action pursuant to WI Stat §101.123.

3. Penalties for violation shall be as prescribed in WI. State §101.123.

4. *Severability.* In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deeded a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the County Board that this ordinance would have been adopted if such illegal application had not been made.

5. *Effective Date.* This ordinance shall take effect following its adoption by the

MSA
 Peg Kurelle
 Helen Crateau
 Carl Kullby
 Jerry Leque
 B. Holt
 A. Tulquist
 Ken Lundquist
 Leo Kabasa
 McWilliamson

George M. ...
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 R. J. Blykowitz
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 Clarence L. Campbell