

Public Hearing Date: 7, 6, 2010

**ORDINANCE CREATING SECTION 8-1-4
OF THE MONROE CITY CODE: SMOKING PROHIBITED**

THE COMMON COUNCIL of the City of Monroe do ordain as follows:

SECTION 1. Section 8-1-4 of the Monroe City Code is hereby created to read as follows:

8-1-4: SMOKING PROHIBITED:

(A) **Section 101.123 of the Wisconsin Statutes Adopted:** The provisions in section 101.123 of the Wisconsin Statutes, describing and defining regulations with respect to smoking, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this section as if fully set forth herein.

(B) **Penalty:** The following penalties shall apply for violations of this section:

1. Any person who violates section 101.123(2)(a) of the Wisconsin Statutes, adopted herein by reference, shall be subject to a Class 4 forfeiture.
2. Except as provided in paragraphs 3. or 4. of this subsection, any person who violates section 101.123(2m)(b) to (d) of the Wisconsin Statutes, adopted herein by reference, shall be subject to a Class 4 forfeiture.
3. For violations subject to the forfeiture under paragraph 2. of this subsection, if the person in charge has not previously received a warning notice for a violation of section 101.123(2m)(b) to (d) of the Wisconsin Statutes, 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 paragraph 3. of this subsection to forfeit more than \$100 in total for all violations of section 101.123(2m)(b) to (d) of the Wisconsin Statutes occurring on a single day.

SECTION 2. This ordinance shall be in full force on the day following its passage and official publication.

Dated this 4th day of July, 2010.
 Passed this 4th day of July, 2010.
 Published this _____ day of _____, 2010.

W. Ross

Mayor

Carol J. Stamm

City Clerk