

Legislation Details (With Text)

**File #:** 52054      **Version:** 1      **Name:** Prohibit smoking within 25 feet of City-owned building  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/12/2018      **In control:** BOARD OF HEALTH FOR MADISON AND DANE COUNTY  
**On agenda:** 6/19/2018      **Final action:** 10/2/2018  
**Enactment date:** 10/13/2018      **Enactment #:** ORD-18-00099  
**Title:** Amending Section 23.05(4) of the Madison General Ordinances to prohibit smoking within 25 feet of any City owned building and amending Section 23.05(1) to hyphenate the term “smokefree.”  
**Sponsors:** Sara Eskrich, Matthew J. Phair

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/2/2018	1	COMMON COUNCIL	Adopt	Pass
8/22/2018	1	EXECUTIVE COMMITTEE - BOARD OF HEALTH FOR MADISON AND DANE COUNTY	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
6/19/2018	1	COMMON COUNCIL	Refer	Pass
6/12/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

The proposed ordinance prohibits smoking within 25 feet of any entrance, outdoor air intake or operable window of any building owned by the City and removes the requirement that at least one entrance to every City owned building be designated as smoke-free. Estimated costs for signs related to the change range from \$35 to \$235 per sign depending on the type of installation. It is expected that costs will be absorbed within existing budgets.

**Title**

Amending Section 23.05(4) of the Madison General Ordinances to prohibit smoking within 25 feet of any City owned building and amending Section 23.05(1) to hyphenate the term “smokefree.”

**Body**

DRAFTER'S ANALYSIS: This ordinance prohibits smoking within 25 feet of any entrance, outdoor air intake or operable window of any building owned by the City. It removes the requirement that at least one entrance to every City owned building be designated as smoke-free. This ordinance also hyphenates the term “smokefree.”

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The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (4) entitled “Prohibition of Smoking in Outdoor Areas” of Section 23.05 entitled “Smoking Prohibited in Certain Areas” of the Madison General Ordinances is amended to read as follows:

“(4) Prohibition of Smoking in Outdoor Areas. It shall be unlawful for any person to smoke or use tobacco products in the following outdoor areas.

- (a) Outside the City-County Building:
  - 1. Between the public sidewalk and the Martin Luther King, Jr. Boulevard side of the building including but not limited to the entrance steps, the planters, and all cement areas adjacent to the building;
  - 2. Between the public sidewalk and the West Wilson Street side of the building, including but not limited to the entrance steps, the planters, and all cement areas adjacent to the building.
- (b) Within twenty-five (25) feet of any entrance, outdoor air intake or operable window of the ~~Madison Downtown Public Library, known as the Central Library~~ any building owned by the City.
- (c) ~~In addition to Subdivisions (a) and (b), outside at least one entrance to all City buildings.~~
  - 1. ~~Within forty-five (45) days of adoption of this subdivision, all current employees of each City building shall designate, by majority vote, which entrance(s) shall be smokefree.~~
  - 2. ~~No more than one entrance may be designated as a smoking area.~~
  - 3. ~~This subsection shall be effective sixty (60) days after publication.~~
- (d) City parks and beaches as posted and so designated by the Park Commission.
- (e) Within five (5) feet of all entrances to City parking garages.
- (f) On Henry Vilas Zoo property, including all of the buildings.

2. Subdivision entitled "Smokefree" of Subsection (1) entitled "Definitions" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is amended to read as follows:

"Smoke-free" means absence from the ambient air of the smoke by-product from the burning, inhaling, exhaling, or carrying of a lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner in any form."

3. The City Attorney is directed to make corresponding changes to other City ordinances to reflect this updated term.