

**TOWN OF GIBRALTAR  
ORDINANCE 2022-28  
SMOKING, TOBACCO USE WHERE PROHIBITED**

---

**Ordinance 2022-28 Identified in the code of ordinances as 10.28 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.**

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

**Purpose**

The purpose of this section is to protect the public health, safety and welfare of the property and persons in the Town by prohibiting smoking in certain public places.

**State Statutes Adopted – Authority**

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

**General Provisions**

(a) Except as otherwise provided, no person may smoke in any of the following spaces:

- (1) Any enclosed space of a public place or place of employment.
- (2) Within the outdoor premises of a day care center when children who are receiving a day care service are present.
- (3) Village-owned or leased motor vehicles.
- (4) Within 15 feet from all entry ways of Town-owned buildings and structures, including, but not limited to, park pavilions, etc., except open air facilities. This fifteen foot minimum requirement does not apply to privately owned buildings.
- (5) Public forms of transportation, including, but not limited to, motor buses, taxicabs, or other public passenger vehicles.

(b) The prohibition of smoking under subsection (a) does not apply to any of the following places:

- (1) A private residence
- (2) A room used by only one person in an assisted living facility as his or her residence.
- (3) A room in an assisted living facility in which two or more people reside if every person who lives in that room smokes and each of those people has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.

## **Penalty**

Any person under 18 years of age who shall violate any of the provisions of this section shall, upon conviction thereof, forfeit not less than \$10.00 and not more than \$500 for the first and each subsequent offense, together with assessments, costs and surcharges as set forth in 10.40 Juvenile bond Category.

## **Enforcement**

(a) Enforcement shall be by citation

(b) Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be stated above or such amount that the Circuit Court of Door County hereafter affixes.

(c) Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

## **Reference to Statutes**

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

## **Severability**

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.