

Sec. 23.05(1)

OFFENSES AGAINST PUBLIC POLICY

(2) Intent and Purpose.

(a) The Common Council of the City of Madison hereby finds that:

1. It is recognized that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers when they are involuntarily in the presence of smoking.
2. Numerous scientific studies have found that tobacco smoke is a major contributor to indoor air pollution.
3. Reliable scientific studies, including studies conducted by the Surgeon General of the United States, have shown that breathing sidestream or secondhand smoke is a significant health hazard to nonsmokers; particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.
4. Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased respiratory function, decreased exercise tolerance, bronchoconstriction and bronchospasm.
5. Reliable scientific studies assessed by the California Environmental Protection Agency have found that sidestream and secondhand tobacco smoke is a leading cause of premature death and disability among non-smokers.
6. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers.
7. Electronic delivery devices are currently unregulated and have been proven to emit nicotine, ultra-fine particles, volatile organic compounds and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens. (Cr. by ORD-15-00007, 1-14-15)

(b) This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Madison, especially recognizing the rights of nonsmokers who constitute a majority of the population; educating persons affected by this ordinance; and assisting owners, operators; and managers in maintaining compliance. (Am. by ORD-17-00030, 3-8-17)

(Sec. 23.05(2) Am. by Ord. 12,571, 5-3-00)

(3) Prohibition of Smoking in Public Places. Except as otherwise provided, it shall be unlawful for any person to smoke or use tobacco products in public places, including but not limited to the following:

- (a) Elevators and stairwells of City parking ramps. (Am. by Ord. 11,327, 8-11-95; ORD-10-00122, 12-23-10)
- (b) Public forms of transportation, including but not limited to motor buses, taxicabs, or other public passenger vehicles. (Am. by Ord. 10,983, 9-14-94)
- (c) Theatres, libraries, museums, auditoriums, and convention halls, which are used by or open to the public. (Am. by Ord. 13,604, 5-11-04)
- (d) Any childcare facility. Incorporated herein by reference are the following Wisconsin statutory and administrative code sections and any amendments or renumbering thereof: Wis. Stat. Secs. 101.123(1)(ad) and (2)(bm); Wis. Admin. Code Secs. SPS 345.02(4), 345.06(8)(g), 346.03(13), 346.06(2)(h), and 346.08(2)(c). (Am. by Ord. 11,091, 12-22-94; ORD-12-00035, 3-28-12)

OFFENSES AGAINST PUBLIC POLICY

Sec. 23.05(3)(e)

- (e) Retail stores.
 - (f) Health care facilities. (Am. by Ord. 6208, 3-29-78; Ord. 12,571, 5-3-00)
 - (g) Waiting rooms, hallways, rooms of health care laboratories.
 - (h) Waiting rooms, hallways, rooms in offices of any physician, dentist, psychologist, chiropractor, optometrist or optician, or other medical services provider.
 - (i) Meeting and conference rooms in which people gather for educational, business, professional, union, governmental, recreational, political or social purposes. (Am. by Ord. 5694, 12-28-76; Ord. 12,571, 5-3-00)
 - (j) Polling places. (Am. by Ord. 12,571, 5-3-00)
 - (k) Service lobbies, waiting areas, and the common areas open to the public of financial institutions, business and professional offices, and multi-unit commercial facilities. (Cr. by Ord. 5694, 12-28-76)
 - (l) Self-service laundry facilities. (Cr. by Ord. 5694, 12-28-76)
 - (m) Enclosed, indoor areas of restaurants. (Am. by Ord. 11,558, 3-29-96, 4-4-96; Ord. 12,571, 5-3-00; Ord. 13,195, 12-10-02; Ord. 13,604, 5-11-04)
 - (n) Common areas of malls. (Cr. by Ord. 10,199, 2-14-91; Am. by Ord. 12,571, 5-3-00)
 - (o) Public bus and transfer point shelters. (Cr. by Ord. 10,615, 3-31-93; Am. by Ord. 12,571, 5-3-00)
 - (p) Common areas of buildings which contain three or more rental units. Written Rental Agreements shall include reference to this subdivision. Subsection (9)(b) shall not apply to this subdivision. (Cr. by Ord. 10,237, 4-12-91; Am. by Ord. 12,923, 11-23-01; Ord. 13,604, 5-11-04)
 - (q) City buildings. (Am. by Ords. 10,633 & 10,634, 4-16-93; Ord. 10,656, 5-29-93; Ord. 10,895, 5-2-94; Ord. 12,571, 5-3-00; Ord. 12,794, 4-9-01; Ord. 12,832, 6-6-01)
 - (r) City-owned or leased motor vehicles. (Cr. by Ord. 10,247, 4-26-91; Am. by Ord. 12,571, 5-3-00)
 - (s) Sports arenas. (Cr. by Ord. 13,195, 12-10-02; R. by Ord. 13,604, 5-11-04)
 - (t) Taverns. (Cr. by Ord. 13,604, 5-11-04)
 - (u) All areas in bed and breakfast establishments, hotels and motels. (Cr. by Ord. 13,604, 5-11-04; Am. by ORD-10-00067, 7-13-10)
- (Sec. 23.05(3) Am. by Ord. 10,679, 6-11-93; Am. by Ord. 12,571, 5-3-00; Am. by Ord. 12,938, 12-11-01)
- (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.
- (Cr. by Ord. 11,023, 10-31-94; Am. by Ord. 12,794, 4-9-01)
- (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. (Cr. by Ord. 12,167, 7-20-98; Am. by ORD-13-00139, 8-14-13)