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CHAPTER 8: Facility and
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Management
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Chapter 2.90

SMOKING IN GOVERNMENT BUILDINGS

Sections:

- 2.90.010 Definitions
- 2.90.020 Smoking prohibited.
- 2.90.030 Smoking prohibited in specified outdoor areas
- 2.90.040 Penalty

2.90.010 Definitions. When used in this chapter, the following words have the following meanings:

- (a) “City-owned facility” means a city-owned structure and any and all stairways and approaches to that structure, and specifically includes all fully enclosed park shelters and restroom buildings located in city parks. Park shelters that are open to the out of doors on two or more sides are excluded.
- (b) “City-owned vehicle” means any motor vehicle or commercial motor vehicle as those words are defined in Section 340.01 of the Wisconsin Statutes, which has on the title the city of Wausau as owner of that vehicle.

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- (c) “Electronic delivery device” means any product containing or delivering nicotine or other similar substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. Electronic delivery device includes any device manufactured, distributed, marketed or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or description, or any component part of such product whether or not sold separately. Electronic delivery device does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product and is being marketed and sold solely for such an approved purpose.
- (d) “Smoke” or “Smoking” means burning, holding, inhaling, exhaling or carrying any lighted or heated tobacco or plant product intended for inhalation, whether natural, or synthetic, in any manner for form. Smoking includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner for form, or the use of any oral smoking device.
- (e) “Cigarette” means any roll of tobacco wrapped in paper or any substance other than tobacco.
- (f) “Tobacco products” means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but “tobacco products” does not include cigarettes, as defined under Section 139.30(1) of the Wisconsin Statutes.
- (g) “Smokeless tobacco” means any tobacco which is used by means other than smoking. (Ord. 61-4828 §1(part), 2018; Ord. 61-5694 §1(part), 2016; Ord. 61-4828 §1(part), 1994; Ord. 61-4672 §1(part), 1989.)

2.90.020 Smoking prohibited. No person may smoke, use smokeless tobacco, or use tobacco products within any city-owned facility except for those areas that are specifically leased to private entities, and specifically excluding Athletic Park when it is being utilized for Wausau Woodchucks baseball games. No person may smoke, use smokeless tobacco, or use tobacco products within any city-owned vehicle. (Ord. 61-5694 §2(part), 2016; Ord. 61-4828 §1(part), 1994; Ord. 61-4770 §1, 1992; Ord. 61-4694 §1, 1989; Ord. 61-4672 §1(part), 1989.)

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2.90.030 Smoking prohibited in specified outdoor areas. (a) No person may smoke in the following areas of a City park or outdoor areas of City property:

1. Playgrounds.
 2. Sports fields and sports field seating areas.
 3. Swimming pools and all inside fenced areas surrounding swimming pools.
 4. Skateboarding facility at Oak Island Park.
 5. Within an area up to fifty (50) feet of those areas in subsections (1) through (4) as designated by the Director of the Parks Department or his or her designee and posted pursuant to subsection (c).
 6. Within the fenced areas of tennis courts.
 7. Those park areas temporarily posted as no smoking by the Director of the Parks Department or his or her designee during Parks Department sponsored events.
 8. Those park areas temporarily posted as no smoking by the Director of the Parks Department or his or her designee during an approved Class I or II Special Event held in such park area and which is open to the public with no admission charge and for which no smoking has been requested by the event organizer or sponsor.
- (b) Exceptions. Upon the written request of an event organizer of an approved Class I or II Special Event, the prohibition of this section may be waived by the park and recreation committee and common council for specified designated areas for those events where admission is restricted by the event organizer through the sale of tickets. A request for a waiver shall be submitted at least 60 days in advance of the event.
- (c) Signs. Signs prohibiting smoking in designated outdoor areas shall be of sufficient size and placed so that the general public has reasonable notice of the prohibition. (Ord. 61-5781 §2(part), 2018)

2.90.040 Penalty. The penalty for violation of any provision of this chapter shall be a forfeiture of not more than two hundred dollars for each separate incident, and the municipal bail bond forfeiture shall be twenty-five dollars plus all assessments and costs. (Ord. 61-5781 §3(part), 2018; Ord. 61-4828 §1(part), 1994; Ord. 61-4672 §1(part), 1989.)