

Ordinance Agenda
October 28, 2019
Reedsburg City Hall Council Chambers
6:30 PM

NOTICE IS HEREBY GIVEN THAT A MAJORITY OF THE MEMBERS OF THE COMMON COUNCIL MAY ATTEND THIS MEETING TO GATHER INFORMATION ABOUT A SUBJECT OVER WHICH THE COMMON COUNCIL HAS DECISION-MAKING AUTHORITY. IF A QUORUM OF THE COMMON COUNCIL ATTENDS THIS MEETING, NO ACTION WILL BE TAKEN BY THE COMMON COUNCIL AT THIS MEETING.

CALL TO ORDER

APPROVAL OF MINUTES

I. APPROVE MINUTES FOR THE MEETING HELD ON SEPTEMBER 23, 2019.:

THE COMMITTEE WILL RECEIVE INFORMATION ON NON-AGENDA TOPICS BROUGHT BEFORE THE COMMITTEE BY MEMBERS OF THE PUBLIC. THE COMMITTEE WILL NOT DISCUSS THESE TOPICS, AND WILL NOT TAKE ACTION ON ANY OF THEM AT THIS MEETING

I. GENERAL BUSINESS:

- A. Nuisance Hearing: Joseph Lamb, 315 Myrtle Street. Storage of Junk/Unregistered Vehicle.
- B. Approve/Deny: Recommend to Council: Ordinance 1889-19 Chapter 608 Vehicles, All Terrain.
- C. Approve/Deny: Recommend to Council: Ordinance 1997-19 Chapter 315 Smoking in Certain Areas.

II. ADJOURN:



The City of Reedsburg does not discriminate on the basis of disability in the admissions or access to, or treatment of or employment in, its programs or activities. Disability-related aids or services, including printed information in alternate formats, to enable persons with disabilities to participate in public meetings and programs are available by calling (608) 524-6404. To be able to meet the needs of a request for a different format contact the City Clerk-Treasurer at 134 S. Locust Street, Reedsburg, WI at least 48 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

City of Reedsburg Ordinance Committee Minutes September 23, 2019

Present: Phil Peterson, Dave Moon, Richard Braun, and Tom Seamonson
Absent: Brunken.
Others: Jacob Crosetto, Derek Horkan, Tim Becker, Citizens, Press

Chair David Moon called the meeting to order at 6:30 p.m.

- I. Approval of Minutes from August 26, 2019.
 - a. **Motion: Seamonson, Second: Braun to approve the minutes from August 26, 2019. Motion carried 4-0.**

GENERAL BUSINESS

- I.
 - a. Approve/Deny: Recommend the Council Ordinance 1892-19 relating to Chapter 185 – Airport Minimum Standards Attachment 1, Addendum A.
 - i. **Motion: Peterson, Second: Braun to recommend Ordinance 1892-19 to the Common Council as presented. Motion carried 4-0.**

Moved by Seamonson and seconded by Braun to adjourn. Motion carried 4-0.

Meeting adjourned at 6:51 p.m.

Respectfully submitted,

Jacob Crosetto
City Clerk-Treasurer/Finance Director

DATE: 09/19/2019

TO: JOSEPH W P LAMB
315 MYRTLE ST
REEDSBURG, WI 53959

RE: Junk/Unlicensed Vehicle

Property Address: 315 Myrtle St
Parcel #: 0550-00000

Sent via Certified Mail

§ 402-3 PUBLIC NUISANCES AFFECTING HEALTH

(K) Abandoned, Wrecked or Inoperative Motor Vehicles.

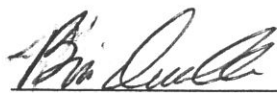
(2) *Abandonment prohibited. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind that is in an abandoned, wrecked, inoperative, unlicensed, or dismantled condition upon any private property within the City. This section shall not apply to any vehicle enclosed within a building on private property, to any vehicle held in connection with a lawful business within the City or its extraterritorial area, such as a junkyard, salvage yard, or auto repair business, or to temporary repair work that is performed within 24 hours of a vehicle becoming unexpectedly unroadworthy.*

(c) *A written notice shall be provided to that owner either personally or by registered mail. All hearings shall be scheduled within a reasonable time after receipt of the written request.*

(d) *Failure to appear at the hearing may be grounds for an immediate towing under the terms of this chapter. If, at the conclusion of the hearing, the Committee finds that there is probable cause to believe that the vehicle is in violation pursuant to the definitions contained in this chapter, a citation provided in Chapter 1, General Provisions, § 1-3 of this Code shall be issued and the vehicle shall be impounded. In the event that the vehicle is impounded, the owner shall remain liable for all towing charges, and these charges shall be assessed over and above the penalties set forth in Chapter 1, § 1-3, if the person is found to be guilty of a violation of this chapter.*

The vehicles appear to be expire again, so this matter is tentatively scheduled to be heard before the Reedsburg Ordinance Committee on 10/28/19. An agenda will be sent to you in the future confirming the date if the vehicles are not brought into permanent compliance by then.

Thank you for your cooperation and please contact me at the above number or bduvalle@ci.reedsburg.wi.us with any questions.



Brian Duvall
Planner/Building Inspector

- (2) Abandonment prohibited. No person shall park, store, leave, or permit the parking, storing, or leaving of any motor vehicle of any kind that is in an abandoned, wrecked, inoperative, unlicensed, or dismantled condition upon any private property within the City. This section shall not apply to any vehicle enclosed within a building on private property, to any vehicle held in connection with a lawful business within the City or its extraterritorial area, such as a junkyard, salvage yard, or auto repair business, or to temporary repair work that is performed within 24 hours of a vehicle becoming unexpectedly unroadworthy.
- (a) Notice shall be sent to the property owner or vehicle owner with an order that the owner shall, within 30 days, make the vehicle operable and roadworthy and license any vehicle that may not be licensed or, in the alternative, place such vehicle in an enclosed structure or remove the vehicle from the property.
- (b) The notice shall further advise the owner that if the nuisance is not corrected, the vehicle is subject to be towed, stored, and, if not redeemed, disposed of at owner's expense following a hearing before the Ordinance Committee.
- (c) A written notice shall be provided to that owner either personally or by registered mail. All hearings shall be scheduled within a reasonable time after receipt of the written request.
- (d) Failure to appear at the hearing may be grounds for an immediate towing under the terms of this chapter. If, at the conclusion of the hearing, the Committee finds that there is probable cause to believe that the vehicle is in violation pursuant to the definitions contained in this chapter, a citation provided in Chapter 1, General Provisions, § 1-3 of this Code shall be issued and the vehicle shall be impounded. In the event that the vehicle is impounded, the owner shall remain liable for all towing charges, and these charges shall be assessed over and above the penalties set forth in Chapter 1, § 1-3, if the person is found to be guilty of a violation of this chapter.

§ 1-3 Penalty provisions.

A. General penalty. Except as provided in any special section, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty as set forth in Subsection B.

B. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this article shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500, plus the costs of compliance and prosecution for each violation, and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

C. Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

D. Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the City, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.



CITY OF
REEDSBURG
POLICE DEPARTMENT

200 SOUTH PARK STREET • REEDSBURG, WI 53959
PH: (608) 524-2376 • FAX: (608) 524-2925
www.reedsburgwi.gov



TIMOTHY M. BECKER
CHIEF OF POLICE

Certificate of Personal Service

State of Wisconsin
County of Sauk
City of Reedsburg

RPD Case # 19-12661

I hereby certify that on 9-23-19 at 10:44 hours in the City of Reedsburg,
(Date) (Time)

County of Sauk and State of Wisconsin, I served the within:

- Complaint & Summons; Court Case # _____
- Subpoena _____
- Other: Letter from City of Reedsburg
(Explain Paperwork Served)

on the within named person: Joseph Lamb, by then and there personally
(Name of Person Served)

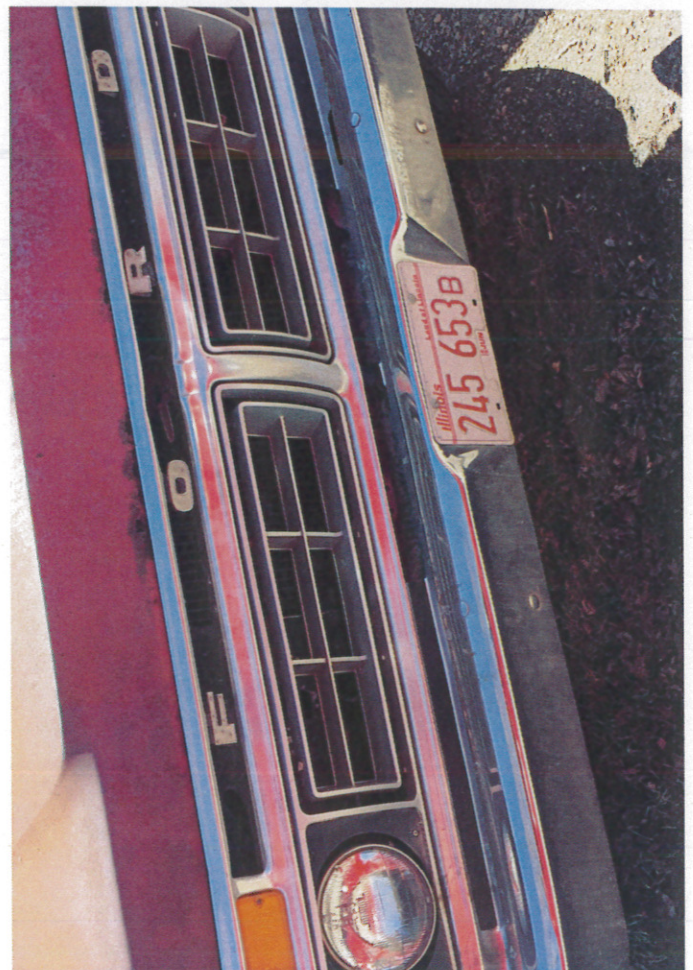
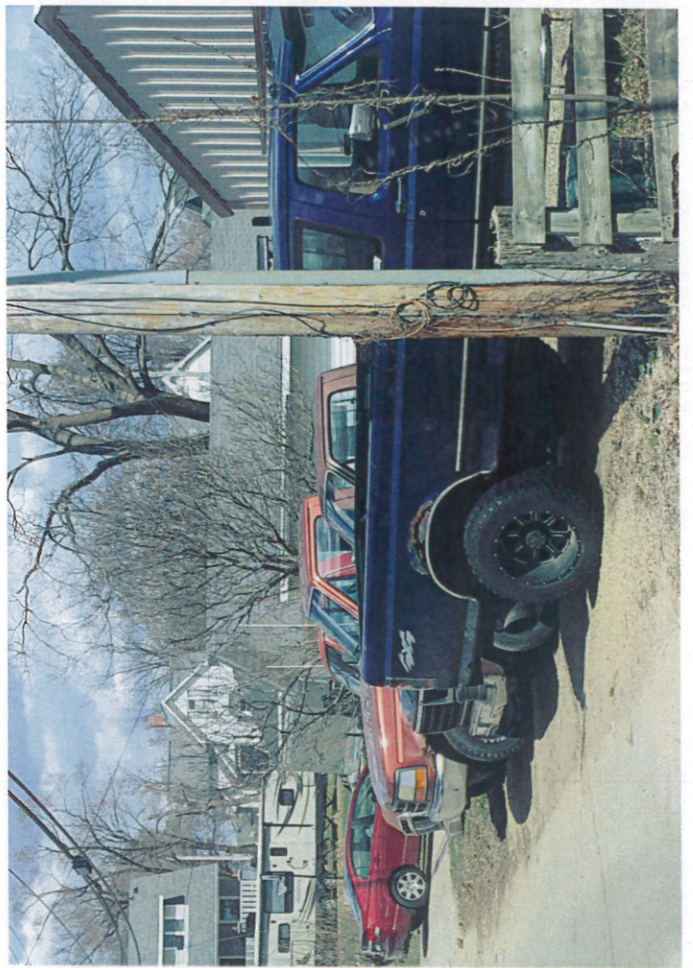
delivering to and leaving with: Joseph Lamb
(Name and Relationship to Paperwork Served)

a true copy thereof. I also certify, that at the time of said service, I endorsed upon the copy so serviced, the date at which the copy was served, and my name thereto and added thereto my official title.

Reedsburg Police Department

Chief Timothy M. Becker - 130
(Officer Signature & Badge #)

April 2019



May 2019



Sept 2019





Certificate of Vehicle Registration

Product Number					Registration Number	
97992191449					19144AJ0282	
Plate Number	Registration	Chassis	Gross Weight	Period	Color	Fleet No.
T5827D	TMP TMP	TRUK		TMF	RED/WHITE	
Vehicle Identification Number			Year	Make	Expiration Date	Amount Received
F25HL040197			1977	FORD	08/22/2019	\$.00

This Registration Certificate is not a Title. Not Valid for Transfer of Ownership.

Contact the 414-266-1000
Division of Motor 608-264-7447
Vehicles at:
wisconsindmv.gov

LAMB JOSEPH WESLEY-PORTER
315 MYRTLE ST
REEDSBURG, WI 53959-1650



License Plate / Sticker Information: Carry this notice in your vehicle.

Wisconsin DMV will mail your plates (plate number shown above) and stickers separately if they were not handed to you or received with this certificate of registration. Regular plates and stickers should arrive in 10 to 14 days. Special / personalized plates with stickers should arrive in 4 to 6 weeks.

If you did not request new plates, you are receiving them because state law requires the replacement of older plates.

If you currently have plates, keep them on the vehicle until your new plates arrive. You must destroy your old plates after you put the new plates on your vehicle. You may not operate an auto or truck registered at 8,000 lbs. or less without license plates.

If you have questions about regular plates, e-mail: vehiclequestions@dot.wi.gov OR call 608-264-7447.

If you have questions on special/personalized plates, e-mail: special-plates.dmv@dot.wi.gov OR call 608-266-3041.



Certificate of Vehicle Registration

Product Number 97865191447					Registration Number 19144AJ0291	
Plate Number T5828D	Registration TMP TMP	Chassis TRUK	Gross Weight	Period TMF	Color BROWN	Fleet No.
Vehicle Identification Number 1FTCF10E2BNA92554			Year 1981	Make FORD	Expiration Date 08/22/2019	Amount Received \$.00

LAMB JOSEPH WESLEY-PORTER
315 MYRTLE ST
REEDSBURG, WI 53959-1650

This Registration Certificate is not a Title. Not Valid for Transfer of Ownership.

Contact the 414-266-1000
Division of Motor 608-264-7447
Vehicles at:
wisconsin.dmv.gov



License Plate / Sticker Information: Carry this notice in your vehicle.

Wisconsin DMV will mail your plates (plate number shown above) and stickers separately if they were not handed to you or received with this certificate of registration. Regular plates and stickers should arrive in 10 to 14 days. Special / personalized plates with stickers should arrive in 4 to 6 weeks.

If you did not request new plates, you are receiving them because state law requires the replacement of older plates.

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If you have questions about regular plates, e-mail: vehiclequestions@dot.wi.gov OR call 608-264-7447.

If you have questions on special/personalized plates, e-mail: special-plates.dmv@dot.wi.gov OR call 608-266-3041.



WISCONSIN Certificate of Vehicle Registration

00000000

Registration Number R9294T9120024	Product Number 60462152265	Registration Number LH1300	Chassis LTK LTK	Gross Weight 6000	Period A	Color BROWN	Registration Number R9294T9120024
Fleet No.	Expiration Date 07/31/2020	Vehicle Identification Number 1TTEF14Y8RLA40980	Year 1994	Make FORD	Amount Received \$ 94.00	Year YEAR	

C OF R MUST BE IN VEHICLE AT ALL TIMES

THIS IS NOT A BILL
This Registration Certificate is not a bill. No payment is required at the time of transfer of title. Notify the Division of Motor Vehicles at: wisconsin.dmv.gov 608-284-7447

LAMB JOHN EVERETT JR
315 MYRTLE ST
REEDSBURG, WI 53959



Tired of misplacing or losing your renewal notices?

Sign up to receive your driver's license/identification card and vehicle license plate renewal notices by email and text.

eNotify (electronic notification) allows you to receive an email and text message in place of your paper renewal notices.



for more information go to:
wisconsin.dmv.gov/enotify

Do I need insurance?

Yes. In Wisconsin, you're required to have liability coverage for the vehicle you drive and carry proof of it when you are driving. If you don't, you can be fined up to \$500. If you are in an accident without the proper coverage, you may still be responsible for damages and lose your license. Visit wisconsin.dmv.gov for more details.

STAFF REPORT

AGENDA ITEM: _____

To: City Council & Ordinance Committee
By: Brian Duvalle, Planning/Building
Date of Meeting: October 14, 2019

Subject: Ordinance 1889-19 – Amend ATV Ordinance; 1st Reading
***Updated following City Attorney’s review**

BACKGROUND AND REQUEST

The current ATV ordinance was adopted in 2016. The vast majority of ATV users have been law-abiding and have helped to increase local business. Therefore in order to expand ATV use, lessen route confusion and allow residents to access routes from their properties without trailering, a local ATV group asked the Plan Commission to expand the current map and ordinance.

After discussion, the Plan Commission recommends allowing all city streets be authorized for ATV use. Along with the reasons listed above, it would also eliminate the need for ATV signage. Such authorization would be similar to the City’s regulation of NEVs.

To help alleviate concerns of ATV use on all streets, the ordinance would increase the ATV driving age to 16, require driver’s license & insurance and prohibit open intoxicants. This would be similar to Sauk County’s ordinance.

FINANCIAL IMPACT

NA

STAFF RECOMMENDATION

The Plan Commission recommends approval.

ACTION:

If the Mayor and City Council are ready, the following action may be made:

Motion to approve/deny – 1st Reading of Ordinance 1889-19 & set public hearing for 10/28/19.

Attachment(s): Ord 1889-19

ORDINANCE NO. 1889-19
(ATV/UTV Ordinance)

The City of Reedsburg, Sauk County, does hereby ordain as follows:

SECTION I: PURPOSE:

The purpose of this ordinance is to amend the sections regulating ATV/UTV use in the City by allowing them on any city street.

SECTION II: PROVISIONS AMENDED:

City of Reedsburg Code Section 608 is amended to read as follows:

CHAPTER 608 VEHICLES, ALL-TERRAIN

§ 608-1 Adoption by reference.

~~Sections 23.33(2m), (3), (3g), (4), (4e), (4g), (4j), (4L), (4p), (4t), (4z), (5), (6m), and (13), Wis. Stats., regulating the operation and use of all-terrain vehicles, are adopted herein by reference.~~

§ 608-1 Intent; applicability.

The City Council has considered the recreational and economic value of all-terrain vehicle and utility-terrain vehicle (ATV/UTV) routes and trail opportunities weighed against protecting the public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. After due consideration, this ordinance is created to establish all-terrain vehicle and utility terrain vehicle routes on public roadways and trails on the City property and to regulate the operation of such vehicles on such routes and trails to provide safe and healthful conditions for the enjoyment of ATV/UTV recreation consistent with public rights and interest pursuant to City authority under Wis. Stat. §§ 62.11(5), 23.33(8) and 23.33(11).

§ 608-2 Adoption of standards.

Except as otherwise provided in this chapter, the statutory provisions in Wis. Stat. chs. 23, 340 to 348, and 350 establishing definitions and regulations with respect to ATVs and UTVs, and Wis. Adm. Code. ch. NR 64, All-Terrain Vehicles, 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 chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this chapter are more restrictive.

§ 608-3 Designating ATV/UTV routes and trails.

~~The ATV/UTV routes in the City of Reedsburg are designated ATV/UTV Routes Map entitled "Reedsburg ATV Route Map, Reedsburg, Wisconsin" dated June 27, 2016. Authorized ATV/UTV routes include all public streets within the City of Reedsburg city limits. In addition, ATVs/UTVs are authorized to use STH 33 (East and West Main Street) and STH 23 (South Albert Avenue) where the speed limit is~~

35 MPH or less. The Reedsburg Police Department may temporarily close any ATV/UTV route whenever conditions require closure

§ 608-4 Trail and route signs. Designated ATV/UTV route and trail signs shall be shall be installed and maintained in accordance with Wisconsin Administrative Code NR 64.12 (7).

- A. The City of Reedsburg is solely responsible for ATV/UTV route signage installation and no person may install any sign on a designated ATV/UTV route without written authorization of the City.
- B. All required signs shall be in accordance with state statutes and administrative codes applicable to ATV/UTV routes on public streets and bridge crossings.
- C. No person may erect, remove, obscure, or deface any authorized ATV/UTV route sign without written authorization of the City of Reedsburg.

§ 608-5 Operation of ATVs and UTVs. Operation of ATVs and UTVs on designated ATV/UTV routes shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference. The following restrictions apply to operation of ATVs and UTVs on all city streets designated as ATV/UTV routes:

- A. ATVs and UTVs may only be operated on approved ATV/UTV routes from 6am – 10pm.
- B. ATVs and UTVs ~~operated on an established ATV/UTV Route and Trails~~ shall operate at a safe speed not to exceed the posted speed limits.
- C. No person under the age of 16 may operate an ATV or UTV on any segment of a street or highway in the City of Reedsburg.
- D. Every person who operates an ATV or UTV on any street or highway in the City of Reedsburg shall have in his or her immediate possession a valid motor vehicle operator's license. The ATV/UTV operator shall display the operator's license upon demand from any law enforcement officer, state patrol officer, inspector under Wisconsin State Stats 110.07(1), conservation warden, or municipal peace officer.
- E. No operator or passenger of an ATV or UTV may possess in or on an ATV or UTV on any street or highway in the City of Reedsburg, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- F. All ATV and UTV equipment is required to have applicable liability insurance and have proof of insurance.

§ 608-6 Notifications. A copy of this ordinance shall be sent to the Wisconsin State Patrol, Sauk County Sheriff's Department and to the Wisconsin Department of Natural Resources.

§ 608-7 Violations and penalties.

- A. Any person who violates any section of this ordinance or statutes adopted by reference shall pay a forfeiture of not less than \$50.00 nor more than \$250.00 for each offense, as established in Wis. Stat. chs. 23.33(13). Said forfeiture is exclusive of mandatory assessments and costs.
- B. The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route to include the grassy in-slope, ditches, or other highway right-of-way; other than for direct access from a trail to a roadway on a designated trail, or operating outside of permitted times for route

use, or operating in excess of permitted speed; shall result in a forfeiture of not less than \$100.00 nor more than \$250.00, as established in Wis. Stat. chs. 23. Said forfeiture is exclusive of mandatory assessments and costs.

- C. In addition to any forfeiture, a court may order restitution to repair any damage caused by violation of this chapter.

~~The penalty for operating an ATV/UTV off a designated ATV/UTV Trail or off the roadway of a designated ATV/UTV route to include the sidewalks, grassy in-slope, ditches, or other street right-of-way; other than for direct access from a trail to a roadway on a designated trail, operating outside of permitted times for route or trail use, or operating in excess of permitted speed; shall result in enforcement as provided in this chapter.~~

SECTION III: VALIDITY:

Should any section, clause or provision of the Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV: CONFLICTING PROVISIONS REPEALED:

All ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION V: EFFECTIVE DATE:

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VI: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 608.

Dated this 28th day of October, 2019.

David G. Estes, Mayor

Jacob Crosetto, Clerk/Treasurer

1 st Reading at Council:	October 14, 2019
Public Hearing Noticed:	October 17 & October 24, 2019
2 nd Reading at Council/Public Hearing:	October 28, 2019
Published, Enactment Date:	November 7, 2019

ORDINANCE NO. 1889-19
(ATV/UTV Ordinance)

The City of Reedsburg, Sauk County, does hereby ordain as follows:

SECTION I: PURPOSE:

The purpose of this ordinance is to amend the sections regulating ATV/UTV use in the City by allowing them on any city street.

SECTION II: PROVISIONS AMENDED:

City of Reedsburg Code Section 608 is amended to read as follows:

CHAPTER 608 VEHICLES, ALL-TERRAIN

§ 608-1 Intent; applicability.

The City Council has considered the recreational and economic value of all-terrain vehicle and utility-terrain vehicle (ATV/UTV) routes and trail opportunities weighed against protecting the public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. After due consideration, this ordinance is created to establish all-terrain vehicle and utility terrain vehicle routes on public roadways and trails on the City property and to regulate the operation of such vehicles on such routes and trails to provide safe and healthful conditions for the enjoyment of ATV/UTV recreation consistent with public rights and interest pursuant to City authority under Wis. Stat. §§ 62.11(5), 23.33(8) and 23.33(11).

§ 608-2 Adoption of standards.

Except as otherwise provided in this chapter, the statutory provisions in Wis. Stat. chs. 23, 340 to 348, and 350 establishing definitions and regulations with respect to ATVs and UTVs, and Wis. Adm. Code. ch. NR 64, All-Terrain Vehicles, 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 chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this chapter are more restrictive.

§ 608-3 Designating ATV/UTV routes and trails.

Designated ATV/UTV routes include all public streets and alleys except connecting highways within the City of Reedsburg city limits except as posted. In addition, under Wis Stat. 23.33(11)(am)4, ATVs/UTVs are authorized to operate on STH 33 (East and West Main Street) and STH 23 (South Albert Avenue) where the speed limit is 35 MPH or less. The Reedsburg Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

§ 608-4 Trail and route signs. Designated ATV/UTV route and trail signs shall be installed and maintained in accordance with Wisconsin Administrative Code NR 64.12 (7).

- A. The City of Reedsburg is solely responsible for ATV/UTV route signage installation and no person may install any sign on a designated ATV/UTV route without written authorization of the City.
- B. All required signs shall be in accordance with state statutes and administrative codes applicable to ATV/UTV routes on public streets and bridge crossings.
- C. No person may erect, remove, obscure, or deface any authorized ATV/UTV route sign without written authorization of the City of Reedsburg.

§ 608-5 Operation of ATVs and UTVs. Operation of ATVs and UTVs on designated ATV/UTV routes shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference. The following restrictions apply to operation of ATVs and UTVs on all city streets designated as ATV/UTV routes:

- A. ATVs and UTVs may only be operated on approved ATV/UTV routes from 6am – 10pm.
- B. ATVs and UTVs shall operate at a safe speed not to exceed the posted speed limits.
- C. No person under the age of 16 may operate an ATV or UTV on any segment of a street or highway in the City of Reedsburg.
- D. Every person who operates an ATV or UTV on any street or highway in the City of Reedsburg shall have in his or her immediate possession a valid motor vehicle operator's license. The ATV/UTV operator shall display the operator's license upon demand from any law enforcement officer, state patrol officer, inspector under Wisconsin State Stats 110.07(1), conservation warden, or municipal peace officer.
- E. No operator or passenger of an ATV or UTV may possess in or on an ATV or UTV on any street or highway in the City of Reedsburg, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- F. All ATV and UTV equipment is required to have applicable liability insurance and have proof of insurance.

§ 608-6 Notifications. A copy of this ordinance shall be sent to the Wisconsin State Patrol, Sauk County Sheriff's Department and to the Wisconsin Department of Natural Resources.

§ 608-7 Violations and penalties.

- A. Except as provided in Sec. 23.33(13)(am) to (e), Wis. Stat, any person who violates any section of this ordinance or statutes adopted by reference shall pay a forfeiture of not less than \$50.00 nor more than \$250.00 for each offense. Said forfeiture is exclusive of mandatory assessments and costs.
- B. The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route to include the grassy in-slope, ditches, or other highway right-of-way; other than for direct access from a trail to a roadway on a designated trail, or operating outside of permitted times for route use, or operating in excess of permitted speed; shall result in a forfeiture of not less than \$100.00 nor more than \$250.00, as established in Wis. Stat. chs. 23. Said forfeiture is exclusive of mandatory assessments and costs.
- C. In addition to any forfeiture, a court may order restitution to repair any damage caused by violation of this chapter.

SECTION III: VALIDITY:

Should any section, clause or provision of the Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV: CONFLICTING PROVISIONS REPEALED:

All ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION V: EFFECTIVE DATE:

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VI: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 608.

Dated this 11th day of November, 2019.

David G. Estes, Mayor

Jacob Crosetto, Clerk/Treasurer

1 st Reading at Council:	October 14, 2019
Public Hearing Noticed:	October 24, 2019
2 nd Reading at Council/Public Hearing:	November 11, 2019
Published, Enactment Date:	November 21, 2019

ORDINANCE NO. 1897-19
(Smoking in Certain Areas)

The City of Reedsburg, Sauk County, Wisconsin, does hereby ordain as follows:

SECTION 1: PURPOSE.

The purpose of this ordinance is to amend the current ordinance to recognize that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers/smokers when they are involuntarily in the presence of smoking. Reliable scientific studies assessed by credible health officials have found that secondhand tobacco smoke is a significant health hazard for children, elderly people, and individuals with cardiovascular disease or impaired respiratory function. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers. This section is adopted pursuant to the authority provided in Wis. Stats. § 101.123(4m) for the purpose of protecting the public health, safety, comfort and general welfare of the people of the city, especially recognizing the health interests of nonsmokers, who constitute a majority of the population

SECTION II: PROVISION ADDED.

City of Reedsburg Code Section 315-9 is hereby amended in its entirety and shall read as detailed in the Reedsburg Code of Ordinances Chapter 315-9.

SECTION III: VALIDITY.

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV: CONFLICTING PROVISIONS REPEALED.

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION V: EFFECTIVE DATE.

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VI: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 315.

Dated this 11th day of November 2019.

David G. Estes, Mayor

Jacob Crosetto, Clerk/Treasurer

1st Reading at Council:
Public Hearing Noticed:
2nd Reading at Council/Public Hearing:
Published, Enactment Date:

October 28, 2019
October 31, 2019
November 11, 2019
November 21, 2019



2019 SENATE BILL 442

September 23, 2019 - Introduced by Senators JACQUE, RISSER, BEWLEY, CARPENTER, DARLING, JOHNSON, LARSON, OLSEN, RINGHAND, SCHACHTNER and WANGGAARD, cosponsored by Representatives MURSAU, KOLSTE, ALLEN, ANDERSON, BILLINGS, BOWEN, CABRERA, CONSIDINE, DOYLE, FIELDS, GOYKE, HEBL, HESSELBEIN, HORLACHER, MILROY, L. MYERS, NEUBAUER, OHNSTAD, OLDENBURG, POPE, RAMTHUN, RODRIGUEZ, ROHRKASTE, SINICKI, SPIROS, STUBBS, SUBECK, C. TAYLOR, TITTL, TUSLER, VINING, VRUWINK and ZAMARRIPA. Referred to Committee on Government Operations, Technology and Consumer Protection.

1 **AN ACT** *to renumber* 101.123 (1) (h) 1., 101.123 (1) (h) 2., 101.123 (1) (h) 3. and
2 101.123 (1) (h) 4.; *to amend* 101.123 (1) (h) (intro.); and *to create* 101.123 (1)
3 (h) 2m. and 101.123 (1) (k) of the statutes; **relating to:** restrictions on the use
4 of products used for inhaling or exhaling vapor.

Analysis by the Legislative Reference Bureau

This bill specifies that the term “smoking,” for purposes of the general prohibition under current law against smoking in indoor locations, includes inhaling or exhaling vapor from a “vapor product,” which the bill defines as any noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means that can be used to produce vapor from a solution or other substance. The bill specifies that “vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Also, a product satisfies the definition of “vapor product” regardless of whether the product contains nicotine.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 101.123 (1) (h) (intro.) of the statutes is amended to read:
6 101.123 (1) (h) (intro.) “Smoking” means burning any of the following:

SENATE BILL 442**SECTION 1**

1 1m. Burning or holding, or inhaling or exhaling smoke from, any of the
2 following items containing tobacco:

3 **SECTION 2.** 101.123 (1) (h) 1. of the statutes is renumbered 101.123 (1) (h) 1m.

4 a.

5 **SECTION 3.** 101.123 (1) (h) 2. of the statutes is renumbered 101.123 (1) (h) 1m.

6 b.

7 **SECTION 4.** 101.123 (1) (h) 2m. of the statutes is created to read:

8 101.123 (1) (h) 2m. Inhaling or exhaling vapor from a vapor product.

9 **SECTION 5.** 101.123 (1) (h) 3. of the statutes is renumbered 101.123 (1) (h) 1m.

10 c.

11 **SECTION 6.** 101.123 (1) (h) 4. of the statutes is renumbered 101.123 (1) (h) 1m.

12 d.

13 **SECTION 7.** 101.123 (1) (k) of the statutes is created to read:

14 101.123 (1) (k) 1. “Vapor product” means any noncombustible product, which
15 may or may not contain nicotine, that employs a heating element, power source,
16 electronic circuit, or other electronic, chemical, or mechanical means, regardless of
17 shape or size, that can be used to produce vapor from a solution or other substance.

18 2. “Vapor product” includes all of the following:

19 a. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
20 or similar product or device.

21 b. Any cartridge or other container of a solution or other substance, which may
22 or may not contain nicotine, that is intended to be used with or in an electronic
23 cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or
24 device.

25

(END)

Electronic Smoking Devices and Secondhand Aerosol

Electronic smoking devices (or ESDs), which are often called **e-cigarettes**, heat and vaporize a solution that typically contains nicotine. The devices are metal or plastic tubes that contain a cartridge filled with a liquid that is vaporized by a battery-powered heating element. The aerosol is inhaled by the user when they draw on the device, as they would a regular tobacco cigarette, and the user exhales the aerosol into the environment.

"If you are around somebody who is using e-cigarettes, you are breathing an aerosol of exhaled nicotine, ultra-fine particles, volatile organic compounds, and other toxins." Dr. Stanton Glantz, Director for the Center for Tobacco Control Research and Education at the University of California, San Francisco.

Current Legislative Landscape

- As of October 1, 2019, [892 municipalities, 19 states, and two territories include electronic smoking devices](#) as products that are prohibited from use in 100% smokefree environments.

Constituents of Secondhand Aerosol

Electronic smoking devices (ESDs) do not just emit "harmless water vapor." **Secondhand aerosol (incorrectly called vapor by the industry) from ESDs contains nicotine, ultrafine particles and low levels of toxins** that are known to cause cancer.

- ESD aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.¹
- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma, and constrict arteries which could trigger a heart attack.²
- ESD aerosol particles are smaller than 1000 nanometers, which is a similar size to tobacco smoke and diesel engine smoke, and bystanders can be exposed to this aerosol. "The exact size distribution depends on the chemical composition of the electronic cigarette liquid, the e-cigarette device operation, and user vaping preferences."³
- At least 10 chemicals identified in ESD aerosol are on California's Proposition 65 list of carcinogens and reproductive toxins, also known as the [Safe Drinking Water and Toxic Enforcement Act of 1986](#). The compounds that have already been identified in [mainstream](#) (MS) or [secondhand](#) (SS) ESD aerosol include: **Acetaldehyde (MS), Benzene (SS), Cadmium (MS), Formaldehyde (MS,SS), Isoprene (SS), Lead (MS), Nickel (MS), Nicotine (MS, SS), N-Nitrosornicotine (MS, SS), Toluene (MS, SS)**.^{4,5}
- **ESDs contain and emit propylene glycol**, a chemical that is used as a base in ESD solution and is one of the primary components in the aerosol emitted by ESDs.
 - Short term exposure causes eye, throat, and airway irritation.⁶
 - Long term inhalation exposure can result in children developing asthma.⁷
- Even though propylene glycol is FDA approved for use in some products, the inhalation of vaporized nicotine in propylene glycol is not. Some studies show that heating propylene glycol changes its chemical composition, producing small amounts of propylene oxide, a known carcinogen.⁸

- There are **metals in ESD aerosol, including chromium, nickel, and tin nanoparticles.**⁹
- FDA scientists found detectable levels of carcinogenic tobacco-specific nitrosamines in ESD aerosol.¹⁰
- People exposed to ESD aerosol absorb nicotine (measured as cotinine), with one study showing levels comparable to passive smokers.¹¹
- **Diethylene Glycol**, a poisonous organic compound, was also detected in ESD aerosol.¹²
- **Exhaled ESD aerosol contained propylene glycol, glycerol, flavorings, and nicotine, along with acetone, formaldehyde, acetaldehyde, propanal, diacetyl, and triacetyl.**¹³
- Many of the elements identified in the aerosol are known to **cause respiratory distress and disease.** The aerosol contained particles >1 µm comprised of tin, silver, iron, nickel, aluminum, and silicate and nanoparticles (<100 nm) of tin, chromium and nickel. The concentrations of nine of eleven elements in ESD aerosol were higher than or equal to the corresponding concentrations in conventional cigarette smoke.¹⁴
- ESDs cause exposure to different chemicals than found in conventional cigarettes and there is a need for risk evaluation for both primary and passive exposure to the aerosol in smokers and nonsmokers.¹⁵
- Short term use of ESD has been shown to increase respiratory resistance and impair lung function, which may result in difficulty breathing.¹⁶
- The first study to look at exposure to aerosol from ESDs in real-use conditions found that non-smokers who were exposed to conventional cigarette smoke and ESD aerosol absorbed similar levels of nicotine.¹⁷
- The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) has concluded that ESDs emit harmful chemicals into the air and need to be regulated in the same manner as tobacco smoking. The “E-cigarettes do not produce a vapor (gas), but rather a dense visible aerosol of liquid sub-micron droplets consisting of glycols, nicotine, and other chemicals, some of which are carcinogenic (e.g., formaldehyde, metals like cadmium, lead, & nickel, and nitrosamines).”¹⁸
- ESD aerosol is a source of high doses of particles being deposited in the human respiratory system.¹⁹
- ESD exposure damages lung tissues. Human lung cells that are exposed to ESD aerosol and flavorings—especially cinnamon—are show increased oxidative stress and inflammatory responses.²⁰
- Concentrations of formaldehyde are higher than concentrations of nicotine in some samples of ESD aerosol. Formaldehyde is created when propylene glycol and glycerol are heated to temperatures reached by commercially available ESDs operating at high voltage.²¹
- Flavorings are a largely unrecognized potential hazard of ESDs. Diacetyl and acetyl propionyl are present in many sweet-flavored ESDs, and are approved by the FDA for food use (ingestion), but are not evaluated and approved for heating and inhalation, and are associated with respiratory disease when inhaled.²² High doses of diacetyl, used to flavor buttered popcorn, have been shown to cause acute-onset bronchiolitis obliterans, a severe and irreversible obstructive lung disease when inhaled by workers exposed to particulate aerosolized flavorings containing diacetyl.²³ Therefore, these chemicals cannot be deemed “generally recognized as safe” for inhalation.

- Nanoparticles in ESD aerosol are much smaller than the particles in tobacco smoke and are present in much higher concentrations. Toxic chemicals attached to nanoparticles may have greater adverse health effects than when these toxins are attached to larger tobacco smoke particles.²⁴ Nanoparticles are more easily and deeply breathed into the lungs of the user and bystander.
- ESD aerosols contain carbonyls at levels which can have cardiovascular toxicity. While ESD aerosol has lower levels of toxins than tobacco smoke, toxins from the aerosol may still have a significant cardiovascular impact because cardiovascular disease has a nonlinear dose-response, which means that high risk is possible with relatively low exposure.²⁵
- Human lung cells exposed to ESD aerosol and copper nanoparticles show signs of inflammatory stress and DNA fragmentation.²⁶
- ESD use alters the physical appearance of airways and may impact the development of chronic lung disease. The airways of people who use ESDs appear redder than the airways of both people who smoke and nonsmokers.²⁷
- ESDs that operate using a single-coil heating element produce much higher levels of toxins than double-coil devices across different e-liquids. Double-coil devices produce aerosol at lower temperatures while single-coil devices produce aerosol at higher temperatures.²⁸
- Daily ESD users have double the risk of heart attack, and the dual use of ESDs and conventional cigarettes—which is the most common use pattern among ESD users—is more dangerous than using either product alone.²⁹
- There is a risk of thirdhand exposure to nicotine released from ESD aerosol that deposits on indoor surfaces.³⁰
- Chemicals from ESDs can drift through multi-unit buildings and deposit on surfaces in spaces where ESDs are not being used.³¹ Overall, ESDs are a new source of **Volatile Organic Compounds (VOCs) and ultrafine/fine particles in the indoor environment**, thus resulting in “passive vaping.”³²
- The World Health Organization (WHO) recommends that ESDs not be used indoors, especially in smokefree environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smokefree laws.³³
- The National Institute for Occupational Safety and Health (NIOSH) recommends that employers “establish and maintain smoke-free workplaces that protect those in workplaces from involuntary, secondhand exposures to tobacco smoke and airborne emissions from e-cigarettes and other electronic nicotine delivery systems.”³⁴
- The American Industrial Hygiene Association (AIHA) also recommends that ESDs be included in smokefree laws: “**Because e-cigarettes are a potential source of pollutants (such as airborne nicotine, flavorings, and thermal degradation products), their use in the indoor environment should be restricted**, consistent with current smoking bans, until and unless research documents that they will not significantly increase the risk of adverse health effects to room occupants.”³⁵
- The American Public Health Association adopted a resolution, “Supporting Regulation of Electronic Cigarettes,” that outlines seven action steps including, “States and municipalities [should] enact and enforce laws...prohibiting the use of e-cigarettes in all enclosed areas of public access and places of employment. These standards should be incorporated into existing clean indoor air laws.”³⁶

- The American Association for Cancer Research and the American Society of Clinical Oncology supports prohibiting the use of ESDs in smokefree spaces until the safety of second- and thirdhand aerosol exposure is established.³⁷

ESD aerosol is a new source of pollution and toxins being emitted into the environment. We do not know the long-term health effects of ESD use and although the industry marketing of the product implies that these products are harmless, the aerosol that ESD emit is not purely water vapor.

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§ 315-9 ~~Use of tobacco products prohibited.~~ **Smoking Prohibited in Certain Areas**

A. ~~It shall be unlawful to use any tobacco products on and/or within 20 feet of premises owned by the Reedsburg School District within the City of Reedsburg.~~

B. ~~Smoking prohibited. This section adopts § 101.123, Wis. Stats., prohibiting smoking in places of employment and public places. [Added 6-28-2010]~~

A. Purpose. The common council of the city recognizes that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers/smokers when they are involuntarily in the presence of smoking. Reliable scientific studies assessed by credible health officials have found that secondhand tobacco smoke is a significant health hazard for children, elderly people, and individuals with cardiovascular disease or impaired respiratory function. Air pollution caused by smoking is an offensive annoyance and irritant. Smoking results in serious and significant physical discomfort to nonsmokers. This section is adopted pursuant to the authority provided in Wis. Stats. § 101.123(4m) for the purpose of protecting the public health, safety, comfort and general welfare of the people of the city, especially recognizing the health interests of nonsmokers, who constitute a majority of the population.

B. Wis. Stats. § 101.123, {2017-18 Wisconsin Statutes updated through 2019 Wis. Act 18} to the extent that it requires any act to be performed or prohibited, is hereby adopted, and incorporated by reference as if fully set forth herein, as a part of this section.

C. Definitions. The definitions set forth in Wis. Stats. § 101.123(1) are hereby adopted and incorporated by reference as if fully set forth herein, provided that the term "Enclosed place" defined in Wis. Stats. § 101.123(1)(ak), shall be deemed to include any enclosed indoor area as defined in this subsection. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

1. "Child care center" means a facility operated by a child care provider that provides care and supervision for {4} or more children under {7} years of age for less than 24 hours a day.
2. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. The term electronic smoking device includes any component part of a product, whether or not marketed or sold separately.
3. "Employment" means any trade, occupation, or process of manufacture or any method of carrying on such trade, occupation or process of manufacture in which any person may be engaged.
4. "Enclosed place" means all space between a floor and a ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A 0.011 gauge screen with an 18 by 16 mesh count is not a wall.
5. "Person in charge" means the person, or his or her agent who ultimately controls, governs or directs the activities aboard a public conveyance or within or at a place where smoking is

regulated under this section, regardless of the person's status as owner or lessee.

6. "Place of employment" means any enclosed indoor area that employees normally frequent during the course of employment, including an office, work area, elevator, employee lounge, restroom, conference room, meeting room, classroom, hallway, stairway, lobby, common area, vehicle or employee cafeteria.

7. "Private club" means a facility used by an organization that limits its membership and is organized for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose.

8. "Public place" means any enclosed indoor place that is open to the public, regardless of whether a fee is charged, or a place to which the public has lawful access or may be invited.

9. "Restaurant" has the meaning given in § 97.01(14g).

10. "Retail establishment" means any store or shop in which retail sales is the principal business conducted.

11. "Smoking" means {burning or holding, or inhaling or exhaling, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. Smoking includes the use of an Electronic Smoking Device.

D. Prohibition against smoking. Except as otherwise provided, it shall be unlawful for any person to engage in smoking in a sports arena, bus shelter, public conveyance or any of the following enclosed places:

- (1) Residence halls or dormitories owned or operated by a college or university.
- (2) Child care centers, including outdoor areas on the premises when children are present.
- (3) Educational facilities, outdoor spaces, or grounds.
- (4) Inpatient health care facilities.
- (5) Theaters.
- (6) Restaurants.
- (7) Taverns.
- (8) Private clubs.
- (9) Retail establishments.
- (10) Common areas of multiple-unit residential properties.
- (11) Lodging establishments.
- (12) State, county, city, village or town buildings
- (13) Areas in city parks as posted and so designated by the board of park commissioners, including, but not limited to, the athletic field/bleachers and dugouts, playground and swing set areas, and park restrooms.
- (14) City-owned or leased motor vehicles and equipment.
- (15) Public forms of transportation, including, but not limited to, motor buses, taxis, or

other public passenger vehicles.

(16) All enclosed places, in addition to those listed above, that are places of employment, or that are public places.

(17) Within 20 feet of premises owned by the Reedsburg School District within the City of Reedsburg

E. Exceptions. The prohibition against smoking does not apply in the following places:

(1) All outdoor places not identified in Wis. Stats. § 101.123(2)(d).

(2) A private residence.

(3) A room used by only one person in an assisted living facility as his residence.

(4) A room in an assisted living facility in which two or more persons reside if every person who lives in the room smokes and has made a written request to the person in charge of the facility to be placed in a room in which smoking is allowed.

(5) Designated outside areas located on the premises of a restaurant, tavern, private club, or retail establishment.

F. Responsibility of persons in charge.

(1) No person in charge may allow any person to smoke in violation of this section at a location that is under the control or direction of the person in charge.

(2) No person in charge may provide matches, ashtrays, or other equipment for smoking at any location where smoking is prohibited.

(3) A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

a. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.

b. Refusing to serve a person, if the person is smoking in a restaurant or tavern.

c. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.

d. If a person refuses to leave the location after being requested to do so, the person in charge shall immediately notify an appropriate law enforcement agency of the violation.

(4) A person in charge of a restaurant, tavern, private club, or retail establishment may designate an outside area located a reasonable distance from any entrance where smoking is permitted.

G. Uniform signs. All properties and establishments regulated by this section are required to post no smoking signs in accordance with the rules and regulations of the Department of Safety and Professional Services to notify all persons of this section.

H. Inspection and enforcement. The county health department, the county sheriff's department, the city police department, the city zoning administrator or designee agency shall have the power to enter any premises within its jurisdiction that are subject to the smoking ban to ascertain whether the premises are in

compliance with this section and to take appropriate enforcement action pursuant to this section or Wis. Stats. § 101.123, including, in the case of the sheriff or any law enforcement agency, issuing citations for any violation.

I. Penalties.

- (1) Forfeiture. Any person, agent, firm or corporation violating subsection (d) of this section shall, upon conviction, forfeit an amount established by the city.
- (2) Forfeiture. A person, agent, firm or corporation violating subsection (f) of this section shall, upon conviction, forfeit an amount established by the city.
- (3) Maximum forfeiture. For violations of subsection (f) of this section, no person in charge may be required to forfeit more than the total amount established by the city for all violations occurring on a single day.

J. Clean indoor air; intent and construction. The city finds that it is in the interest of the health, safety and welfare of the community to adopt by reference Wis. Stats. § 101.123. It is the intent of the common council of the city that where there may be a conflict between Wis. Stats. § 101.123 and this section that the most restrictive section shall apply.

K. Nuisance, injunction. The repeated violation of this section is hereby declared to be a public nuisance. In addition to any other relief provided under this section, the city may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include seeking a temporary restraining order, temporary injunction.