



**PLEASE TAKE NOTICE** that there will be a City of Lodi Public Safety Committee meeting held on Monday, April 18, 2016 at 5:00pm in Room 203, City Hall, 130 South Main Street, Lodi, WI.

**Public Safety Committee Agenda**

1. Call To Order
2. Public Input
3. Approve The Minutes Of The January 13th, 2016 Meeting

Documents: [1-13-16 PUBLIC SAFETY COMMITTEE MINUTES.PDF](#)

4. Approve The Minutes Of The March 17th, 2016 Meeting

Documents: [3-17-16 PUBLIC SAFETY COMMITTEE MINUTES.PDF](#)

5. Recommendation To Council To Amend Ordinance Chapter 144, Cigarettes And Tobacco Products

Documents: [AN ORDINANCE TO AMEND THE CODE OF THE CITY OF LODI.PDF](#), [WISCONSIN LEGISLATURE\\_101.123.PDF](#)

6. Recommendation To Council To Amend Ordinance Chapter 23, Citations

Documents: [AN ORDINANCE TO AMEND CHAPTER 23.PDF](#)

7. Set Next Meeting Time And Date

8. Adjourn

Posted: \_\_\_\_\_

By: \_\_\_\_\_

City of Lodi Public Safety Committee Meeting  
Minutes of January 13, 2016

**Call to Order**

Chair Ness called the meeting to order at 5:00 pm

Committee Members Present: Jim Ness, Molly Cabaj, Ann Groves-Lloyd

Staff Present: Scott Klicko

Others Present: Jessica & Mark Woodburn

**Public Input**

None

Approve the Minutes of the October 12, 2015 meeting.

Motion by Groves Lloyd, second by Cabaj to approve the 10/12/2015 minutes. Motion carried.

**Bee Keeping**

Jessica and Mark Woodburn gave an overview on beekeeping that included how hives work, bees vs. drones, and the use of a physical barrier for bees. The committee responded favorably and showed enthusiasm towards beekeepers in the City.

Motion Groves Lloyd, second Cabaj to recommend Ordinance A-497 and A-498 to Council. Motion carried.

**Set Next Meeting Time and Date**

The next scheduled meeting is March 21, 2016 at 5:00 pm.

**Adjourn**

Motion by Groves Lloyd, second by Cabaj to adjourn. The meeting adjourned at 6:00 pm.

These minutes have not been approved and are subject to change or correction.

## Public Safety Committee Meeting Minutes

March 17, 2016

Meeting called to order at 5:02 pm

Present: Scott Klicko, Jim Ness, and Ann Groves Lloyd

### Public Input

None

### Future policing in & around Lodi:

The Police Department is struggling with part-time officers again. It's expensive to hire and train new staff only to have them leave for a full-time position elsewhere. Right now the Police Department has five part-time officers. However, one is going to be leaving (most likely), and one is going to be moved into the open full-time position, so the Police Department will be back to only three part-time officers.

The Police Department needs to start thinking about goals long-term. The City is expanding and drug cases are time consuming,

There is a COPS grant that the Police Department hasn't applied to for over 20 years. This grant allows the police to hire an officer for certain things – school officer, community policing, etc. The grant would pay a percentage of the first three years of an officer's salary, and after that the City picks up the expense of the full salary.

The Police Department also needs to look at long-term solutions for the building. A short-term solution for one issue would be to have a parking spot out in front of the building.

The Town of Lodi agreement has been going well.

### Smoking Ordinance

Lodi does not have its own smoking ordinance. Chief Klicko recommends that the Mayor creates an ordinance for the City. When police have been enforcing non-smoking in businesses, they have been writing tickets on the State Statutes. That money goes to the county. Ness will talk to Mayor Fisk about this.

Motion Ness, second by Groves Lloyd to adjourn the meeting at 5:32 pm.

Next meeting will be Monday, April 18, at 5:00 p.m.

AN ORDINANCE TO AMEND the Code of the City of Lodi, Chapter 144 thereof, entitled Cigarettes and Tobacco Products, to add a new section prohibiting smoking in enclosed buildings.

Be it ordained by the Council of the City of Lodi as follows;

Section 1. Chapter 144 of the Code of the City of Lodi is hereby amended to add a new section following §144-3, to be known as §144-4 as follows:

§144-4 Smoking Prohibited

The statutory provisions describing and defining regulations with respect to smoking contained in § 101.123, Wis. Stats., known as the "Clean Indoor Air Act," exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by § 101.123, Wis. Stats., and incorporated herein by reference is required or prohibited by this section.

Section 2. Effective Date. This ordinance shall become effective the day after publication.

### **101.123 Smoking prohibited.**

**(1) DEFINITIONS.** In this section:

- (ab)** "Assisted living facility" means a community-based residential facility, as defined in s. 50.01 (1g), a residential care apartment complex, as defined in s. 50.01 (6d), or an adult family home, as defined in s. 50.01 (1) (b).
- (abm)** "Child care center" has the meaning given in s. 49.136 (1) (ad).
- (ac)** "Correctional facility" means any of the following:
1. A state prison, as defined or named in s. 302.01, except a correctional institution under s. 301.046 (1) or 301.048 (4) (b) if the institution is the prisoner's place of residence and no one is employed there to ensure the prisoner's incarceration.
  2. A juvenile detention facility, as defined in s. 938.02 (10r), or a juvenile correctional facility, as defined in s. 938.02 (10p), except a juvenile correctional facility authorized under s. 938.533 (3) (b), 938.538 (4) (b), or 938.539 (5) if the facility is a private residence in which the juvenile is placed and no one is employed there to ensure that the juvenile remains in custody.
  3. A jail, as defined in s. 165.85 (2) (bg), a Huber facility under s. 303.09, a work camp under s. 303.10, a reforestation camp under s. 303.07, or a lockup facility under s. 302.30.
- (ae)** "Educational facility" means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.
- (aj)** Notwithstanding s. 101.01 (5), "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.
- (ak)** "Enclosed place" means a structure or area that has all of the following:
1. A roof.
  2. More than 2 substantial walls.
- (ar)** "Immediate vicinity of the state capitol" means the area directly adjacent to the state capitol building, as determined by rule of the department of administration. "Immediate vicinity of the state capitol" does not include any location that is more than six feet from the state capitol building.
- (b)** "Inpatient health care facility" means a hospital, as defined in s. 50.33 (2), a county home established under s. 49.70, a county infirmary established under s. 49.72, a nursing home, as defined in s. 50.01 (3), a hospice, as defined in s. 50.90 (1), a Wisconsin veterans home under s. 45.50, or a treatment facility.
- (bn)** "Lodging establishment" means any of the following:
1. A bed and breakfast establishment, as defined in s. 97.01 (1g).  
**Note: Subd. 1. is shown as amended eff. 7-1-16 by 2015 Wis. Act 55. Prior to 7-1-16 it reads:**  
**1. A bed and breakfast establishment, as defined in s. 254.61 (1).**
  2. A hotel, as defined in s. 97.01 (7).  
**Note: Subd. 2. is shown as amended eff. 7-1-16 by 2015 Wis. Act 55. Prior to 7-1-16 it reads:**  
**2. A hotel, as defined in s. 254.61 (3).**
  3. A tourist rooming house, as defined in s. 97.01 (15k).  
**Note: Subd. 3. is shown as amended eff. 7-1-16 by 2015 Wis. Act 55. Prior to 7-1-16 it reads:**  
**3. A tourist rooming house, as defined in s. 254.61 (6).**
- (d)** "Person in charge" means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is

prohibited or regulated under this section.

- (dj) Notwithstanding s. 101.01 (11), "place of employment" means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.
- (dn) "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.
- (e) "Public conveyance" means a mass transit vehicle as defined in s. 340.01 (28m), a school bus as defined in s. 340.01 (56), or any other device by which persons are transported, for hire, on a highway or by rail, water, air, or guidewire within this state, but does not include such a device while providing transportation in interstate commerce.
- (eg) "Public place" means any enclosed 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.
- (f) "Restaurant" has the meaning given in s. 97.01 (14g).

**Note: Par. (f) is shown as amended eff. 7-1-16 by 2015 Wis. Act 55. Prior to 7-1-16 it reads:**

(f) "Restaurant" means an establishment as defined in s. 254.61 (5).

- (g) "Retail establishment" means any store or shop in which retail sales is the principal business conducted.
- (gg) "Retail tobacco store" means a retail establishment that does not have a "Class B" intoxicating liquor license or a Class "B" fermented malt beverages license and that generates 75 percent or more of its gross annual income from the retail sale of tobacco products and accessories.
- (h) "Smoking" means burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:
  - 1. A lighted cigar.
  - 2. A lighted cigarette.
  - 3. A lighted pipe.
  - 4. Any other lighted smoking equipment.
- (hm) "Sports arena" means any stadium, pavilion, gymnasium, swimming pool, skating rink, bowling center, or other building where spectator sporting events are held.
- (i) "State institution" means a mental health institute, as defined in s. 51.01 (12), a center for the developmentally disabled, as defined in s. 51.01 (3), or a secure mental health facility at which persons are committed under s. 980.06.
- (id) "Substantial wall" means a wall with no opening or with an opening that either does not allow air in from the outside or is less than 25 percent of the wall's surface area.
- (im) "Tavern" means an establishment, other than a restaurant, that holds a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license.
- (in) "Tobacco bar" means a tavern that generates 15 percent or more of its annual gross income from the sale on the tavern premises, other than from a vending machine, of cigars and tobacco for pipes.
- (io) "Tobacco product" means any form of tobacco prepared in a manner suitable for smoking but not including a cigarette.
- (ip) "Treatment facility" means a publicly or privately operated inpatient facility that provides treatment of alcoholic, drug dependent, mentally ill, or developmentally disabled persons.
- (j) "Type 1 juvenile correctional facility" has the meaning given in s. 938.02 (19).

**(2) PROHIBITION AGAINST SMOKING.**

- (a) Except as provided in sub. (3), no person may smoke in any of the following enclosed places:
  - 1g. The state capitol.
  - 1m. Residence halls or dormitories owned or operated by a college or university.

- 1r.** Child care centers.
- 2.** Educational facilities.
- 3.** Inpatient health care facilities.
- 4.** Theaters.
- 5m.** Correctional facilities.
- 5t.** State institutions.
- 7.** Restaurants.
- 7m.** Taverns.
- 7r.** Private clubs.
- 8.** Retail establishments.
- 8d.** Common areas of multiple-unit residential properties.
- 8g.** Lodging establishments.
- 8r.** State, county, city, village, or town buildings.
- 9.** All enclosed places, other than those listed in subds. 1g. to 8r., that are places of employment or that are public places.

**(d)** No person may smoke at any of the following outdoor locations:

- 1.** In the immediate vicinity of the state capitol.
- 2.** Anywhere on the premises of a child care center when children who are receiving child care services are present.
- 3.** Anywhere on the grounds of a Type 1 juvenile correctional facility.
- 4.** A location that is 25 feet or less from a residence hall or dormitory that is owned or operated by the Board of Regents of the University of Wisconsin System.

**(e)** No person may smoke in any of the following:

- 1.** A sports arena.
- 2.** A bus shelter.
- 3.** A public conveyance.

**(2m)** RESPONSIBILITY OF PERSONS IN CHARGE.

- (a)** No person in charge may allow any person to smoke in violation of sub. (2) at a location that is under the control or direction of the person in charge.
- (b)** A person in charge may not provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.
- (c)** 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:
  - 1.** Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
  - 2.** Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
  - 3.** 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 a location after being requested to do so as provided in par. (c) 3., the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
- (e)** A person in charge may take measures in addition to those listed in pars. (b) and (c) to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

**(3)** EXCEPTIONS. The prohibition against smoking in sub. (2) (a) does not apply to the following:

- (h)** A private residence.
- (i)** A room used by only one person in an assisted living facility as his or her residence.
- (j)** A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons 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.

allowed.

- (L) A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
- (m) A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
- (4m) LOCAL AUTHORITY. This section does not limit the authority of any county, city, village or town to enact ordinances or of any school district to adopt policies that, complying with the purpose of this section, protect the health and comfort of the public. If a county, city, village, or town enacts an ordinance, or if a school district adopts a policy, regulating or prohibiting outside smoking in certain areas as authorized under this subsection, the ordinance may apply only to public property under the jurisdiction of the county, city, village, town, or school district. Such ordinance shall provide that the person in charge of a restaurant, tavern, private club, or retail establishment located in an area subject to the ordinance may designate an outside area that is a reasonable distance from any entrance to the restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke. Such ordinance may not define the term "reasonable distance" or set any specified measured distance as being a "reasonable distance."
- (6) UNIFORM SIGNS. The department shall, by rule, specify uniform dimensions and other characteristics of the signs required under sub. (2m). These rules may not require the use of signs that are more expensive than is necessary to accomplish their purpose.
- (7) SIGNS FOR STATE AGENCIES. The department shall arrange with the department of administration to have signs prepared and made available to state agencies for use in state facilities that set forth the prohibition against smoking.
- (8) PENALTIES.
  - (a) Any person who violates sub. (2) shall be subject to a forfeiture of not less than \$100 nor more than \$250 for each violation.
  - (d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m) (b) to (d) shall be subject to a forfeiture of \$100 for each violation.
  - (dm) For violations subject to the forfeiture under par. (d), if the person in charge has not previously received a warning notice for a violation of sub. (2m) (b) to (d), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.
  - (em) No person in charge may be required under par. (d) to forfeit more than \$100 in total for all violations of sub. (2m) (b) to (d) occurring on a single day.
- (9) INJUNCTION. Notwithstanding s. 165.60, state or local officials or any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section.

**History:** 1983 a. 211; 1985 a. 332 s. 253; 1987 a. 161 s. 13m; 1987 a. 403 s. 256; 1989 a. 97, 107, 251, 336; 1991 a. 28, 39, 130; 1993 a. 27, 313; 1995 a. 27 ss. 3661, 9126 (19); 1995 a. 77, 201, 404; 1999 a. 9, 72; 2001 a. 16; 2003 a. 268; 2005 a. 344; 2007 a. 20 s. 9121 (6) (a); 2009 a. 12, 185, 276; 2013 a. 165 s. 114; 2015 a. 55.



An Ordinance to Amend Chapter 23, Entitled Citations, by Supplementing  
Chapter 23, Attachment 1, Schedule of Deposits

Therefore the Common Council of the City of Lodi Columbia County do Ordain as follows:

Section 1.

The Code of the City of Lodi Chapter 23 Attachment 1, Schedule of Deposits is hereby amended by creating a penalty for violations of §144-4 Smoking Prohibited as follows:

<b>Chapter/Section</b>	<b>Offense</b>	<b>Forfeiture</b>
Chapter 144-4	Smoking Prohibited	A. \$75.00 B. \$125.00

Section 2.

Effective Date. This Ordinance shall become effective the day after publication.