

Jason Brame

From: Community Advocates Public Policy Institute [jasonb@communityadvocates.net]
Sent: Wednesday, July 28, 2010 1:14 PM
To: Jason Brame
Subject: Milwaukee Common Council Passes Strong Anti-Smoking Ordinance / Cornmeal Headlines Milwaukee's Smoke-Free Sounds Series, Thursday, Aug. 5 at Shank Hall



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Milwaukee Common Council Passes Strong Anti-Smoking Ordinance

Ordinance Enforces State Law, Defines Enclosed Space

On July 27, the Milwaukee Common Council passed by a 12-3 vote an [ordinance](#) that prohibits smoking in bars, restaurants and all other workplaces in the City of Milwaukee. Mayor Tom Barrett is expected to sign the ordinance, which was co-sponsored by Aldermen Terry Witkowski and Michael Murphy, into law.

Language in the Milwaukee ordinance closely mirrors language in the [Wisconsin Smoke-Free Act \(Wisconsin Act 12\)](#), which took effect

across the state on July 5. Penalties for non-compliance are identical in the Milwaukee ordinance as in state law: individuals are subject to a fine of between \$100-\$250 for each violation, while

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violators of the "person in charge" provision will be issued a warning notice for the first violation, and then fined \$100 for each subsequent violation, with no fines exceeding \$100 on a single day.

By passing a local ordinance, the Common Council has allowed for violations in Milwaukee to be handled by the city's Municipal Court, with all revenues generated from the collection of smoking-related fines to be placed into the general fund of the city. Without that measure, violations would have been referred to the Milwaukee County District Attorney's office for prosecution in Circuit Court.

Milwaukee Ordinance Defines Enclosed Space

The primary difference between state law and the new Milwaukee ordinance is that the latter more clearly defines an "enclosed space" in which smoking is not permitted. The city ordinance specifies that an "enclosed space" means "all space between a floor and ceiling that is bounded by walls, doors, or windows, whether open or closed, covering more than 50 percent of the combined surface area of vertical planes constituting the perimeter of the area." The city ordinance further clarifies that a "wall" means not only a conventional wall but also includes "any retractable divider, garage door, or other physical barrier, whether temporary or permanent," but excludes a "0.011 gauge screen with an 18 by 16 mesh count."

The Common Council also voted to eliminate a specific no-smoking signage requirement for city property that is "unenclosed," such as sidewalks adjacent to City Hall or other city buildings. As authorized by state law, the Milwaukee ordinance permits the city's Commissioner of Public Works to "designate unenclosed properties owned or leased by the city as areas where smoking is prohibited."

But a provision initially added by the Council's Committee on Public Safety, which specifically required the Commissioner to place signs near the entrances of all city-owned or leased buildings that prohibit smoking on unenclosed areas within at least 25 feet, was replaced by the full Common Council with a direction that the Commissioner "may not use his authority to place signs . . . within any specific distance from the entrances to city-owned or leased buildings."

Since the *Wisconsin Smoke-Free Act* was implemented earlier this month, Milwaukeeans have demonstrated a high degree of compliance. Given this fact, as well as the new ordinance's stronger language with respect to prohibiting smoking in enclosed spaces, indoor air in Milwaukee will be much cleaner.

Cornmeal Headlines Milwaukee's Smoke-Free Sounds Series, Thursday, Aug. 5 at Shank Hall

Concert-goers have occasion to celebrate this summer! On July 5, all Wisconsin workplaces -- including music venues -- went smoke-free. The new law has special appeal to music lovers who had stopped going to shows due to secondhand smoke. Additionally,

performers, bartenders, wait-staff and all those working in music venues will now benefit from breathing smoke-free air. Live music, simply put, is better smoke-free.

Cornmeal, a popular bluegrass act from Chicago, will headline Milwaukee's Smoke-Free Sounds Series concert at **Shank Hall** (1434 North Farwell Ave.) on Thursday, August 5.

This concert is a unique opportunity to celebrate healthy air for all Wisconsinites while enjoying this talented bluegrass group. Admission is just \$5!

Heavily influenced by American roots and folk music, Cornmeal blends lightning-fast tempos and impeccable harmonies into an unrivaled live performance.

Kris Nowak (pictured below), guitarist and vocalist for Cornmeal, has strong opinions about smoke-free music venues:

I am a lifelong asthma sufferer, and as a working musician, I'm ecstatic that so many states like Wisconsin have enacted no-smoking policies in public places and music venues. This benefits my quality of life immeasurably, and it will allow me to continue singing and performing in these venues without harming my health in the process. My father passed away years ago from cancer that first formed on his lung despite the fact he was a non-smoker. It is a sobering reminder that preserving our air quality, while perhaps an inconvenience for some, preserves the lives of many more.





 with special guest **SWEETGRASS**

THURS AUG 5 8PM-11PM

 "A definite must for the bluegrass crowd, and a big thumbs up for country and jam-band fans."

 —The Gateway City

SMOKE-FREE SOUNDS SERIES

 AUGUST 5TH

SHANK HALL

 1434 N. Farwell Ave. • Ph: 414-276-7288

TICKETS JUST \$5 AT THE DOOR

Advance tickets available at Shank Hall and online at TrueEndeavors.com

For more info about Cornmeal:

- Cornmeal live [video](#)
- Cornmeal on [Myspace](#)

- Cornmeal [Web site](#)
- Check out CNN's [backstage coverage](#) on the band!

The people of Wisconsin are already talking. From Friday fish fries to concerts, individuals and families are returning to local bars, pubs, nightclubs and restaurants! Check out wibettersmokefree.com for videos, tweets, testimonials, and more from relieved Wisconsin citizens excited about the new state law.

The Smoke-Free Sounds Series is produced by True Endeavors, the American Lung Association and Wisconsin Is Better Smoke Free.

The Community Advocates Public Policy Institute has clear and simple goals: To explain why so many Milwaukeeans are poor, and to develop and implement a practical strategy to reduce poverty throughout Wisconsin.

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