(5) **Prohibition of Smoking in Educational Facilities.** It shall be unlawful for any person to smoke or otherwise use any tobacco products:

(a) In all educational facilities and in or upon all other premises owned, rented by or under the control of a school board.

(b) In or upon all premises of the Madison Area Technical College, including all buildings owned or operated by the district for the primary purpose of vocational, technical or adult education. This includes outdoor areas between the public sidewalks and buildings.

(Am. by Ord. 11,091, 12-22-94; Am. and Renum. by Ord. 12,571, 5-3-00; Am. by Ord. 12,938, 12-11-01; Ord. 13,510, 2-10-04)

(6) **Prohibition of Smoking in Places of Employment**

(a) It shall be unlawful for any person to smoke or otherwise use any tobacco products in all places of employment.

(b) Every building which is a place of employment shall have at least one entrance which is smokefree. For buildings with fewer than four (4) entrances, no more than one entrance may be designated as a smoking entrance. For buildings with four (4) or more entrances, no more than 25% of all entrances may be designated as a smoking entrance.

(c) Each employer, operator, manager, lessee or other person having control of the place of employment shall make reasonable efforts to ensure a smokefree workplace for all employees and frequenters.

(d) Within ninety (90) days of the effective date of this ordinance, each employer having a place of employment located within the City of Madison shall adopt, implement and communicate written notice of the provisions of this ordinance to each employee.

(e) For each building, an employer or person in charge may designate a room for employee smoking that is separately ventilated. Such designated areas shall be located so that employees do not have to pass through the area in the normal course of employment and is not frequented by the public. An employer or person in charge may designate an entire place of employment as nonsmoking. (Am. by Ord. 13,195, 12-10-02)

(f) The effective date of this subsection shall be March 1, 2002.

(New Sec. 23.05(6) Cr. by Ord. 12,938, 12-11-01)

(7) **Exceptions.** The following areas shall not be subject to the smoking restrictions of this section:

(a) Retail tobacco stores.

(b) Private clubs. Private clubs shall provide a nonsmoking section for customers and otherwise comply with Wis. Stat. § 101.123, the Clean Indoor Air Act. This exception shall not apply to any organization established to avoid compliance with this ordinance.

(c) Any stage of any theater when used in connection with any theatrical performance and so noticed in the program.

(d) Bed and breakfast, hotel and motel rooms that are rented to guests and are designated as smoking rooms; provided, that not more than twenty-five percent (25%) of rooms rented to guests are designated as smoking.