

Village of Bonduel
Shawano County
117 W. Green Bay Street
Bonduel, WI 54107

ORDINANCE NO.: 2019-05

SPONSORED BY: Public Safety Committee

INTRODUCED BY: Renell Bartlett

SECONDED BY: Randy Wenstadt

AN ORDINANCE AMENDING THE PROVISIONS OF SECTION 22.16 OF THE MUNICIPAL CODE OF ORDINANCE REGULATING THE USE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS

WHEREAS, unrefuted scientific evidence validates that consuming nicotine can have a serious and debilitating impact on the health and well-being of a minor, including contributing to developmental disabilities, an increased risk of cardiovascular, respiratory and gastrointestinal disorders, as well as impeding immune system response time and strength, and causing cell mutation, and an increased risk of various cancers; and

WHEREAS, Sec. 254.92, Wis. Stats., prohibits the purchase of cigarettes, tobacco products, or nicotine products by minors; and

WHEREAS, the Village currently prohibits, with certain defined exceptions, the purchase or possession cigarettes or tobacco products by minors under the provisions of Section 22-16 of the Village Code; and

WHEREAS, for the purposes of public health, safety and welfare, the Village, in an exercise of its statutory police powers, is desirous of amending the provisions of Sec. 22-16 of the Village Code to include regulating the use of Electronic Nicotine Delivery Systems;

NOW, THEREFORE, THE VILLAGE BOARD OF AND FOR THE VILLAGE OF BONDUEL, WISCONSIN DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. That the provisions of Section 22-16 of the Municipal Code of Ordinances be amended to add thereto provisions regarding the regulation the use of Electronic Nicotine Delivery Systems, in the manner described in EXHIBIT "A" hereto, be, and the same hereby are, approved.

SECTION TWO. That all other ordinances in conflict herewith be, and the same hereby are, repealed.

SECTION THREE. That this Ordinance shall take effect immediately upon the passage and publication of the same as made and provided by law.

Adopted: May 8, 2019
Published: May 17, 2019

Russ Gehm, Village President

Attest:

Michelle Maroszek, Village Clerk

EXHIBIT "A"

Sec. 22-16 Use of Cigarettes and Tobacco Products

- (a) Definitions. Words, terms, and phrases used in this section shall have the following meanings, unless otherwise specified:
- (1) "Cigarette" shall have the meaning given in Wis. Stats. 5 139.30(1).
 - (2) "Law enforcement officer" shall have the meaning given in Wis. Stats. S 30.50(4s).
 - (3) "Nicotine Containing Products" shall mean, a product that contains nicotine including but not limited to, electronic cigarettes, vaping devices, Juuls, or any other electronic nicotine delivery system and is not any of the following:
 - a. A tobacco product.
 - b. A cigarette.
 - c. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.
 - (4) "Smoking" shall mean the burning or holding, or inhaling or exhaling smoke from, any of the following items containing tobacco:
 - a. A lighted cigar.
 - b. A lighted cigarette.
 - c. A lighted pipe.
 - d. Any other lighted smoking equipment.
 - (5) "Tobacco products" shall have the meaning given in Wis. Stats. S 139.75(12) Sec. 139.75(12), Wis. Stats.
- (b) State Law Adopted. Section 101.123, Wis. Stats., is adopted by reference and incorporated as though fully set forth herein.
- (c) Prohibited Except as provided in subsection (c) (d) of this section, no person under 18 years of age may do any of the following:
- (1) Buy or attempt to buy any cigarette or, tobacco product or any nicotine containing product, including but not limited to, electronic cigarettes, vaping devices, Juuls, or any other electronic nicotine delivery system.
 - (2) Falsely represent his age for the purpose of receiving any cigarette or, tobacco product or any nicotine containing product, including but not limited to, electronic cigarettes, vaping devices, Juuls, or any other electronic nicotine delivery system.
 - (3) Possess any cigarette or, tobacco product or any nicotine containing product, including but not limited to, electronic cigarettes, vaping devices, Juuls, or any other electronic nicotine delivery system.
- (d) Exceptions.
- (1) A person under 18 years of age may purchase cigarettes or tobacco products for the sole purpose of resale in the course of employment during his working hours if employed by a retailer licensed under Wis. Stats. 5 134.65(1) Sec. 134.65(1), Wis. Stats.

- (2) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his participation in an investigation under Wis. Stats. 5 254.916 Sec. 254.916, Wis. Stats., that is conducted in accordance with Wis. Stats. S 254.916(3) Sec. 254.916(3), Wis. Stats.
- (e) Enforcement. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of subsection (b) or (c) of this section committed in his presence.

Authority. This section is adopted pursuant to Wis. Stats. 5 254.92. Sec. 254.92, Wis. Stats.