

## CHAPTER 204

### PROHIBITING PERSONS UNDER THE AGE OF 18 FROM PURCHASING OR POSSESSING TOBACCO PRODUCTS

[History: Ord 2003-3]

**(1) Authority.** The authority for this Ordinance is Wisconsin Act 75, published 4-29-02, which permits municipalities to enact ordinances prohibiting persons under the age of 18 from purchasing or possessing cigarettes or tobacco products.

**(2) Definitions.** The following definitions apply in this Ordinance:

(a) "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.

(b) "Law Enforcement Officer" means any person employed by the City, or by any other governmental unit, for the purpose of detecting and preventing crime, and enforcing laws or ordinances, and who is authorized to make arrests for violations of the Laws or Ordinances that the person is employed to enforce.

(c) "Tobacco products" means: cigars; cheroots; stogies; periquies; granulated plug cuts; crisp cuts; crimp cuts; ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps; clippings; cuttings; and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing or smoking; but "tobacco products" does not include cigarettes.

**(3) Prohibition.** No person under the age of 18 years may do any of the following:

(a) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

(b) Purchase or attempt to purchase cigarettes or tobacco products. (c) Possess any cigarette or tobacco product.

**(4) Exceptions.**

(a) A person under 18 years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her work hours, if employed by a retailer.

(b) 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 or her participation in an investigation under s. 254.916 of the Wisconsin Statutes, that is conducted in accordance with s. 254.916 (3) of the Wisconsin Statutes.

**(5) Seizure.** A law enforcement officer shall seize any cigarette or tobacco product that has been

sold to, and is in the possession of, a person under 18 years of age.

**(6) Administration.**

(a) This Ordinance shall be enforced by the Richland Center Police Department.

(b) The Richland Center Police Department is authorized to issue citations, in accordance with this ordinance, to persons violating this ordinance.

(c) Violations of this ordinance shall be prosecuted by the City Attorney.

**(7) Penalties for Violation.** The following penalties shall be imposed for violations of this Ordinance:

(a) A forfeiture of \$25.00 to \$100.00, plus Court Costs and assessments, for the first violation in a 12-month period.

(b) A forfeiture of \$50.00 to \$150.00, plus Court Costs and assessments, for the second violation in a 12-month period.

(c) A forfeiture of \$100.00 to \$150.00, plus Court Costs and assessments, for the third and subsequent violation in a 12-month period.

Note: See Section 254.92 of the Wisconsin Statutes