

ORDINANCE NO. 2019-3

AN ORDINANCE AMENDING CHAPTER 204 OF THE CODE OF ORDINANCES PROHIBITING PERSONS UNDER THE AGE OF 18 FROM PURCHASING, ATTEMPTING TO PURCHASE OR POSSESSING CIGARETTES, NICOTINE PRODUCTS OR TOBACCO PRODUCTS

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

SECTION 1:

Chapter 204 of the Code of Ordinances of the City of Richland Center is amended to read as follows:

CHAPTER 204

PROHIBITING PERSONS UNDER THE AGE OF 18 FROM PURCHASING, ATTEMPTING TO PURCHASE OR POSSESSING CIGARETTES, NICOTINE PRODUCTS OR TOBACCO PRODUCTS

204.01 Authority. The authority for this Ordinance is section 254.92 Wisconsin Statutes, which permits municipalities to enact ordinances prohibiting persons under the age of 18 from purchasing, attempting to purchase or possessing cigarettes, nicotine products or tobacco products.

204.02 Definitions. The following definitions apply in this Ordinance:

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

(2) "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 law or Ordinances that the person is employed to enforce.

(3) "Nicotine product" means a product that contains nicotine and is not any of the following:

1. A tobacco product.
2. A cigarette.
3. 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. [Sec. 134.66 (1) (f) Wis. Stats.]

(4) "Tobacco product" 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. [Sec 139.75(12) Wis. Stats.]

204.03 Prohibition. No person under the age of 18 years may do any of the following:

- (1) Falsely represent his or her age for the purpose of receiving any cigarette, nicotine product or tobacco product.
- (2) Purchase or attempt to purchase cigarette, nicotine product or tobacco product.
- (3) Possess any cigarette, nicotine product or tobacco product.

204.04 Exceptions.

(1) A person under 18 years of age may purchase or possess cigarettes, nicotine products 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.

(2) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products 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.

204.05 Seizure. A law enforcement officer shall seize any cigarette, nicotine product or tobacco product that has been sold to or is in the possession of a person under 18 years of age.

204.06 Administration.

- (1) This Ordinance shall be enforced by the Richland Center Police Department.
- (2) Officers of the The Richland Center Police Department are authorized to issue citations, in accordance with this ordinance, to persons violating this ordinance.
- (3) Violations of this ordinance shall be prosecuted by the City Attorney.

204.07 Penalties for Violation. The following penalties shall be imposed for violations of this Ordinance:

- (1) A forfeiture of \$40.00, plus court costs and applicable assessments, for the first violation in a 12-month period.

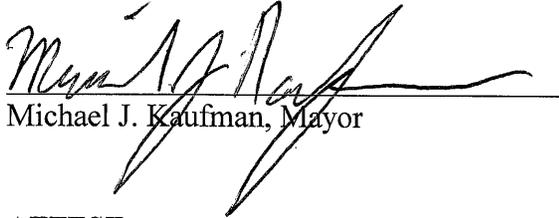
(2) A forfeiture of \$75.00 to \$150.00, plus court costs and applicable assessments, for the second violation in a 12-month period.

(3) A forfeiture of \$100.00 to \$150.00, plus court costs and applicable assessments, for the third and subsequent violation in a 12-month period.

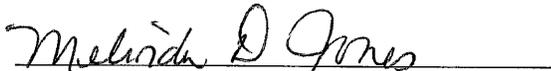
SECTION 2:

This ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 2nd day of July, 2019


Michael J. Kaufman, Mayor

ATTEST:


Melinda D. Jones, City Clerk