

ORDINANCE 2023-03
VILLAGE OF MISHICOT

AN ORDINANCE TO AMEND THE CODE OF THE VILLAGE OF MISHICOT BY DELETING AND REPEALING §161-2 “POSSESSION BY MINORS; SMOKING ON SCHOOL PREMISES” TO CHAPTER 161 CIGARETTES AND TOBACCO PRODUCTS, ARTICLE II, WHICH CHAPTER PROVIDES FOR RULES AND REGULATIONS REGARDING SMOKING BY MINORS WITHIN THE VILLAGE LIMITS.

It is hereby ordained by the VILLAGE OF MISHICOT, Manitowoc County, Wisconsin, that Ordinance 161-2 **Possession by minors; smoking on school premises** is hereby amended to read as follows:

§ 161-2 Possession by minors; smoking on school premises.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

CHILD

Has the meaning given in § 48.02(2), Wis. Stats.

CIGARETTE

Has the meaning given in § 139.30(1m), Wis. Stats.

LAW ENFORCEMENT OFFICER

Has the meaning given in § 30.50(4s), Wis. Stats.

TOBACCO PRODUCTS

“Tobacco products” include, but are not limited to, nicotine products, cigarette, cigar, pipe, smokeless tobacco, chewing tobacco, electronic cigarettes, electronic vaping devices, personal vaporizers, digital vapor devices, electronic nicotine delivery systems, and any similar or digital device. An electronic cigarette (e-cig or e-cigarette), personal vaporizer (PV), or electronic nicotine delivery system (ENDS) is a battery-powered vaporizer which has the feel of tobacco smoking. They produce a mist rather than cigarette smoke. In general, a heating element vaporizes a liquid solution known as e-liquid. E-liquids usually contain a mixture of propylene glycol, glycerin, nicotine, and flavorings.

B. Conduct prohibited. No child may do any of the following:

- (1) Buy or attempt to buy any cigarette or tobacco product.
- (2) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
- (3) Possess any cigarette or tobacco product.
 - (a) A child may possess a vaping device, if the cartridge does not contain nicotine, CBD, or any other prohibited substance. This paragraph does not apply to school premises, as all vaping devices are prohibited on school premises.
- (4) Possess any tobacco product in a public-school building, on public school grounds, in a public-school vehicle or in or upon any public-school facility within the Village of Mishicot.

C. Use of tobacco products on public school premises. No person may, at any time, use any tobacco product, in a public-school building, on public school grounds, in a public-school vehicle or in or upon any public-school facility within the Village of Mishicot.

D. Seizure. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Subsection **B** committed in his or her presence.

E. Restrictions. No retailer, manufacturer or distributor may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in § 254.92(2), Wis. Stats.

F. Penalty. Whoever violates this section is subject to a penalty as set forth in §1-2 of the Code.

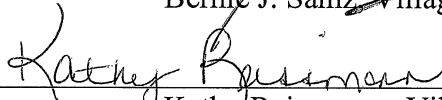
This ordinance shall take effect the day after posting.

Passed and adopted this 21st day of February, 2023.

Vote For: 7 Vote Against: 0 Not Voting: 0

Signed by: 
Bernie J. Samz, Village President

Date: 2/21/23

Attest: 
Kathy Reissmann, Village Clerk-Treasurer

Date: 2/21/23

Date adopted: 2/21/23

Date posted: 2/22/23

Date effective: 2/23/23