

VILLAGE OF VILLAGE OF MARSHALL

ORDINANCE 2019-06

AN ORDINANCE TO AMEND TITLE 11, CHAPTER 5, SECTION 9
PURCHASE OR POSSESSION OF NICOTINE OR TOBACCO PRODUCTS.

Ordinance amendment introduced by: The Chief of Police

Purpose of ordinance amendment: Adding vapor products to the ordinance will provide the Marshall Police Department greater discretion for enforcing possession of tobacco and nicotine product violations in juveniles in our community.

The Village Board of the Village of Marshall, Dane County, Wisconsin ordain as follows that Title 11, Chapter 5, Section 9 shall be amended as follows:

SEC. 11-5-9 PURCHASE, POSSESSION, OR USE OF TOBACCO, NICOTINE, OR VAPOR PRODUCTS.

(Rev. 2/19' Ord. 2019-06)

(a) **Definition of Tobacco Products.** For the purposes of this Section, "tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

(b) **Definition of Nicotine Products.** For the purposes of this Section, "nicotine products" means any product that contains nicotine and is not a tobacco product, a cigarette, a vapor product, or a product that has been approved by the U.S. Food and Drug Administration for sale as a smoking cessation product or for another medicinal purpose and is being marketed and sold solely for such an approved purpose.

(c) **Definition of Vapor Product.** For the purposes of this section, "vapor product" means any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container that may contain nicotine or other substances in a solution or other form that is intended to be used with or in an e-cigarette, e-cigar, e-cigarillo, e-pipe, or similar product or device for the purpose of simulating smoking or consuming vapor. Further, a vapor product is a noncombustible product that may contain nicotine and that employs a heating element, power source, chemical, or mechanical means, regardless of shape or size that can be used to produce vapor or aerosol from a solution or other substance.

(d) **Definition of possession** of a Tobacco, Nicotine, or Vapor Product, for the purposes of this section "possession" means either actual physical control of the tobacco, nicotine, or vapor product without necessarily owning the tobacco, nicotine, or vapor product, or the right to control the tobacco, nicotine, or vapor product even though it is in a different room or place than where the person is physically located.

(e) Definition of use a tobacco, nicotine, or vapor product, for the purposes of this section "use" means to smoke, chew, suck, inhale, inject, or otherwise consume a tobacco, nicotine, or vapor product.

(f) Definition of public place, for the purposes of this section "public place" means a public street, alley, sidewalk, park, or any area open to the general public in a publicly owned or operated building or premises, or in a public place of business or school.

(g) Purchase by Minors Prohibited. It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco, nicotine, or vapor products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco, nicotine, or vapor products.

(h) Possession or Use by Minors Prohibited. It shall be unlawful for any person under the age of eighteen (18) years to possess or use tobacco, nicotine, or vapor products; provided that the possession by a person under the age of eighteen (18) years, in a public place, under the direct Title 11 – Offenses & Nuisances Chpt. 5 – Offenses by Juveniles supervision of the parent or legal guardian or such person in the privacy of the parent's or guardian's home shall not be prohibited.

(i) Statutes Adopted. (rev. 12/00', Ord. 2000-11, rev 09/19, Ord. 2019-06) The provisions of Sections 134.66, 254.92, 778.25(1)(a), and 938.983 Wis. Stats., are adopted by reference and incorporated herein.

This ordinance was duly considered and adopted by the Village of Marshall on this 10th day of September 2019.


John Schuepbach, Village President


Lindsey Johnson, Village Clerk