

ORDINANCE NO. 19-01
VILLAGE OF WAUNAKEE

AN ORDINANCE AMENDING CHAPTERS 26 AND 46
OF THE CODE OF ORDINANCES, VILLAGE OF WAUNAKEE, WISCONSIN
RELATING TO PUBLIC SAFETY AND PUBLIC HEALTH ISSUES

The Village Board of the Village of Waunakee, Dane County, Wisconsin, do ordain that the Code of Ordinances, Village of Waunakee, Wisconsin is amended as follows:

1. Section 26-111 is repealed and recreated to read as follows:

Sec. 26-111. - State statutes adopted.

(a) The provisions of Wis. Stat. § 101.123 relating to the regulation of smoking and clean indoor air, except provisions therein relating to penalties to be imposed, are adopted by reference and made a part of this article as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated by reference in this section is required or prohibited by this article. Any future amendment, revisions or modifications of the statutes incorporated in this section are intended to be made a part of this article.

(b) The prohibitions contained in subsection (a) relating to smoking shall include, but are not limited to, the use of an electronic delivery device. Electronic delivery device means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

2. Section 26-112 is amended to create subsection (c) to read as follows:

(c) The prohibitions contained in subsections (a) and (b) include, but are not limited to, the use of an electronic delivery device. Electronic delivery device means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

3. Section 46-78 is created to read as follows:

Sec. 46-78. - Prohibited Use of Tobacco Products, Nicotine Products, and Cigarettes on Waunakee Community School District Property.

(a) **Definitions.**

(1) **Tobacco product** means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; 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 and smoking; but tobacco product does not include cigarettes.

(2) **Nicotine product** means a product that contains nicotine, including in liquid or any other form, and is not any of the following: a tobacco product; a cigarette; 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 medical purpose and is being marketed and sold solely for such an approved purpose.

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

(4) **Electronic delivery device** means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(b) **Prohibition.** It is unlawful for any person to use any tobacco product, nicotine product, or cigarette on the premises owned or rented by, or under the control of, the School Board of the Waunakee Community School District. The prohibition contained in this subsection (b) includes, but is not limited to, the use of an electronic delivery device.

(c) **Exception.** The School Board of the Waunakee Community School District may allow the use of tobacco products, nicotine products, cigarettes, and electronic delivery devices on premises owned by the School District and rented to another person for non-educational purposes.

State Law references: Wis. Stat. §§ 120.12(20) and 134.66.

4. Section 46-101 is repealed and recreated to read as follows:

Sec. 46-101. - Purchase or Possession of Tobacco Products, Nicotine Products, or Cigarettes.

(a) **Definitions.**

(1) **Tobacco product** means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; 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 and smoking; but tobacco product does not include cigarettes.

(2) **Nicotine product** means a product that contains nicotine, including in liquid or any other form, and is not any of the following: a tobacco product; a cigarette; 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 medical purpose and is being marketed and sold solely for such an approved purpose.

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

(4) **Electronic delivery device** means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

(b) **Purchase by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, nicotine products, or cigarettes, or to misrepresent their identity or age, or to use any false or altered identification, for the purpose of purchasing tobacco products, nicotine products, or cigarettes. The prohibitions contained in this subsection (b) include, but are not limited to, the purchase or use of an electronic delivery device.

(c) **Possession by Minors Prohibited.** It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products, nicotine products, or cigarettes; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or legal guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited. The prohibitions contained in this subsection (c) include, but are not limited to, the possession or use of an electronic delivery device.

(d) **State Statutes Adopted.** The provisions of Wis. Stat. §§ 48.983, 134.66, 254.92, and 778.25(1)(a) are adopted by reference and incorporated herein.

The foregoing ordinance was duly adopted by the Village Board of the Village of Waunakee at a meeting held on MARCH 4, 2019.

APPROVED:

By: 
Chris Zellner, Village President

ATTEST:

By: 
Caitlin Stene, Village Clerk