

TOWN OF GRAND CHUTE  
ORDINANCE O-05-2019, SERIES OF 2019

AN ORDINANCE AMENDING CHAPTER 241, ARTICLE II, OF THE CODE OF GENERAL ORDINANCES FOR THE TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN, WHICH PROHIBITS PURCHASE OR POSSESSION OF CIGARETTES AND TOBACCO PRODUCTS BY MINORS IN THE TOWN OF GRAND CHUTE.

WHEREAS, Chapter 241, Article II, of the Town of Grand Chute Municipal Code adopts, by reference, § 254.92, Wis. Stats., prohibiting the possession or purchase of cigarettes or nicotine or tobacco products by persons under the age of 18, and § 134.66, Wis. Stats., prohibiting the sale or gift of cigarettes or nicotine or tobacco products to persons under the age of 18; and,

WHEREAS, §§ 254.92 and 134.66, Wis. Stats., do not incorporate electronic cigarettes (e-cigarettes) or other similar devices designed to simulate tobacco smoking and deliver nicotine through inhalation of aerosol, mist, or vapor produced by the product; and,

WHEREAS, e-cigarettes are capable of delivering nicotine levels comparable to those associated with the use of cigarettes and other tobacco products; and,

WHEREAS, the aerosols exhaled by users of e-cigarettes contain heavy metals, volatile organic compounds, and ultrafine particles that can be inhaled deep into the lungs; and,

WHEREAS, the Surgeon General of the United States has deemed the use of e-cigarettes as a “public health epidemic” among youth, calling upon communities to implement strategies to curb use among young people;

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of the Town of Grand Chute, Outagamie County, Wisconsin, that Chapter 241, Article II, of the Grand Chute Municipal Code, is hereby amended and adopted as follows:

Chapter 241 Cigarettes and Tobacco Products

Article II

**Purchase or Possession by Minors**

[Adopted 1-7-1997 as § 7.21 of the 1997 Code; amended in its entirety 10-19-2010 by Ord. No. 2010-16]

§ 241-5 **Adoption of statutory provisions.**

- A. The provisions of § 254.92, Wis. Stats., regarding the possession or purchase of cigarettes and tobacco products by persons under the age of 18, exclusive of any penalty contained therein, are hereby adopted by reference and made an offense punishable as a violation of this Code.

- B. The provisions of § 134.66, Wis. Stats., regarding the sale or gift of cigarettes or tobacco products, exclusive of any penalty contained therein, are hereby adopted by reference and made an offense punishable as a violation of this Code.

§ 241-6 Electronic delivery devices.

- A. Definitions. The following words, terms, and phrases, when used in this subsection, shall have the meaning ascribed to them, except where the context indicates a different meaning:

Electronic delivery device - any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of aerosol, mist, or vapor from the product. The term includes, but is not limited to, devices manufactured, distributed, marketed, or sold as electronic cigarettes or cigars, electronic pipes, personal vaporizers, electronic nicotine delivery systems, vape pens, or electronic hookahs.

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.

E-liquid – a liquid mixture that may contain nicotine, as well as varying compositions of propylene glycol, glycerin, and flavorings, which is designed to be heated in an electronic delivery device to create an aerosol or vapor that can be inhaled.

- B. Prohibitions.

- (1) The prohibition against the purchase or possession of cigarettes or nicotine or tobacco products by a person under 18 years of age, established in § 254.92, Wis. Stats., and adopted in Section A., above, shall apply to the purchase or possession of electronic delivery devices and e-liquids.
- (2) The prohibition against the sale or gift of cigarettes or nicotine or tobacco products to a person under 18 years of age, established in § 134.66, Wis. Stats., and adopted in Section B., above, shall apply to electronic delivery devices and e-liquids.

- C. Signage.

A retailer shall post a sign in areas within his or her premises where electronic delivery devices or e-liquids are sold to consumers stating that the sale of any electronic delivery device or e-liquid products to a person under the age of 18 is unlawful under this section.

§ 241-6-7 Violations and penalties.

Any person who violates any provision of this article may be subject to a forfeiture of an amount prescribed in the Uniform Forfeiture and Bond Schedules, as established by the Town

Board, and the costs of prosecution. In addition to the forfeiture, a juvenile in violation of § 241-5A may be subject to one or more of the dispositions established in § 938.343, Wis. Stats.

**END OF AMENDMENT**

If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision, or its application.

Approved and adopted this 16 day of April, 2019

VOTED FOR: 5

VOTED AGAINST: 0

**New Language in bold**

Approved as to Form

Ch. J. Runt

for

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TOWN OF GRAND CHUTE

David Schowalter

David Schowalter, Town Chairman

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