

ORDINANCE O-23-14

AN ORDINANCE AMENDING TITLE 11, CHAPTER 6
OF THE CODE OF ORDINANCES
(Offenses by Minors)

Introduced by Alderman Keehan.

The Common Council of the City of Menasha does hereby ordain as follows:

SECTION 1: Amend Title 11, Chapter 6, by Repealing and Recreating SEC. 11-6-6 of the Code of Ordinances of the City of Menasha, Wisconsin as follows:

Title 11 – Offense and Nuisances

CHAPTER 6

Offenses by Minors

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SEC. 11-6-6 POSSESSION OR PURCHASE OF CIGARETTE, NICOTINE OR TOBACCO PRODUCTS BY MINORS.

- (a) **DEFINITIONS.** In this section:
- (1) Cigarette has the meaning given in Sec. 139.30(1m), Wis. Stats.
 - (2) Law enforcement officer has the meaning given in Sec. 30.50(4s), Wis. Stats.
 - (3) Nicotine product means a product that contains nicotine and is not any of the following:
 - a. A tobacco product.
 - b. A cigarette.
 - c. 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.
 - (4) Retailer means any person licensed under Sec. 134.65(1), Wis. Stats.
 - (5) Tobacco products has the meaning given in Sec. 139.75(12), Wis. Stats.
- (b) **RESTRICTIONS.**
- (1) Except as provided in Subsection (c), no person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product or tobacco product.
 - (2) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product or tobacco product.
- (c) **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 working 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 Sec. 254.916, Wis. Stats., that is conducted in accordance with Sec. 254.916(3), Wis. Stats.
- (d) A law enforcement officer shall seize any cigarette, nicotine product or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(e) **PENALTY.**

- (1) Any person under 18 years of age who shall violate the provisions of this section shall be subject to a forfeiture not to exceed Fifty (\$50.00) Dollars plus any and all court costs.
- (2) Any person who receives a citation under this ordinance may be offered the opportunity to have the citation dismissed upon attendance in a tobacco use education program.

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SECTION2: This ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this _____ day of August, 2014.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk