

Chapter 246 (amended 10-13-16)
TOBACCO AND NICOTINE PRODUCTS

ARTICLE I
Cigarette Sales

- § 246-1. Providing to minors.**
- § 246-2. License required.**
- § 246-3. State statute adopted.**

ARTICLE II
Purchase or Possession by Minors

- § 246-4. Definitions.**
- § 246-5. Purchase by minors prohibited.**
- § 246-6. Possession by minors prohibited.**
- § 246-7. Possession of smoking
paraphernalia by minors
prohibited**
- § 246-8. Violations and penalties.**

[HISTORY: Adopted by the Village Board of the Village of Genoa City as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Cigarette Sales
[Adopted as § 7-3-2 of the 1984 Code]

§ 246-1. Providing to minors.

No person, firm or corporation shall, directly or indirectly, or upon any pretense, or by any device, sell, give away or otherwise dispose of to any person under the age of 18 years any cigarettes, cigarette paper or cigarette wrappers, nicotine product or electronic cigarettes or their components, or any substitute therefor.

§ 246-2. License required¹.

No person, firm or corporation shall in any manner, directly or indirectly, upon any premises or by any device, sell, exchange, barter, dispose of or give away or keep for sale any cigarette, cigarette paper or cigarette wrappers, or any substitute there-for, without first obtaining a license as hereinafter provided. The annual fee for such license shall be as set by the Village Board, and the license shall be valid from July 1 to June 30. All cigarette licenses shall be signed by the Village Clerk-Treasurer and indicate thereon the name of the licensee and the place where he is authorized to conduct the licensed business.

§ 246-3. State statute adopted.

Section 134.65, Wis. Stats., is hereby incorporated by reference.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art.II).

ARTICLE II
Purchase or Possession by Minors
[Adopted 10-10-1991 (Title 9, Ch. 8 of the 1984 Code)]

§ 246-4. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

TOBACCO PRODUCTS -- Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

SMOKING PARAPHERNALIA – All equipment, products and materials of any kind which are used, intended for use, or designed for use, in manufacturing, selling, distributing, delivering, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, ingesting, inhaling or otherwise introducing into the human body, a tobacco or nicotine product, including rolling papers and pipes. A lighter shall be considered smoking paraphernalia absent a valid nonsmoking-related reason for its possession, determined by the discretion of the officer.

NICOTINE PRODUCTS – A product that contains nicotine 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.

ELECTRONIC CIGARETTES OR THEIR COMPONENTS – An electronic device usually composed of a mouthpiece, a heating element or atomizer, a battery, and electronic circuits that provides a gas derived from liquid nicotine and/or other substances which is inhaled by a user simulating smoking. The term includes such devices, regardless of the details of the product appearance or marketed name or purpose, sometimes manufactured to resemble cigarettes, cigars, pipes, or other smoking devices.

§ 246-5. Purchase by minors prohibited.

It shall be unlawful for any person under the age of 18 years to purchase or attempt to purchase nicotine or tobacco products, or electronic cigarettes or their components, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

§ 246-6. Possession by minors prohibited.

It shall be unlawful for any person under the age of 18 years to possess any nicotine or tobacco products, or electronic cigarettes or their components.

§ 246-7. Possession of smoking paraphernalia by minors prohibited.

It shall be unlawful for any person under the age of 18 years to possess any smoking paraphernalia.

§ 246-8. Violations and penalties².

Any person violating § 246-5 or 246-6 is subject to a penalty as provided in Chapter 1, General Provisions, § 1-5 of this Code.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

VILLAGE OF GENOA CITY

ORDINANCE NO. 10-13-2016B

The Village Board of Genoa City, Walworth and Kenosha Counties, Wisconsin, does hereby ordain as follows:

1. Subsection 1.5 **Violations and Penalties**, of Article I, **Use and Construction**, of CHAPTER 1, **GENERAL PROVISIONS**, of the Municipal Code of the Village of Genoa City is hereby amended to read as follows:

1.5 Violations and Penalties.

- A. General Penalty. Except where a penalty is provided elsewhere in this Code, any person who shall violate any provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) First offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$25 nor more than \$1,000 together with the costs of prosecution, and, in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
 - (2) Second offense. Any person found guilty of violating any ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less and \$25 nor more than \$2,000 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.