

## ORDINANCE

An Ordinance to amend Section 14.280 of the Manitowoc Municipal Code regulating Use of Cigarettes, Tobacco Products, and Nicotine Products Prohibited.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 14.280 is amended to read as follows:

### “14.280 Use of Cigarettes, **Electronic Smoking Devices**, Tobacco Products, and Nicotine Products Prohibited

(1) **Definitions.** In this section:

**Child** has the meaning given in Wis. Stat. § 48.02(2).

**Cigarette** has the meaning given in Wis. Stat. § 139.30(1).

**Electronic Smoking Device** means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term ‘electronic smoking device’ includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, vape pens, mods, tank systems, or under any other product name or descriptor. And includes any component part of a product, whether or not marketed or sold separately.

**Law enforcement officer** has the meaning given in Wis. Stat. § 30.50(4s).

**Nicotine product** has the meaning given in Wis. Stat. § 134.66(1)(f).

**Tobacco products** has the meaning given in Wis. Stat. § 139.75(12).

(2) **Conduct Prohibited.**

(a) Except as provided in subsection (3) of this section, no person under the age of 18 years may do any of the following:

1. Buy or attempt to buy any cigarette, **electronic smoking device**, tobacco product, or nicotine product.
2. Falsely represent his or her age for the purpose of receiving any cigarette, **electronic smoking device**, tobacco product, or nicotine product.
3. Possess any cigarette, **electronic smoking device**, tobacco product, or nicotine product.

(b) No person may purchase cigarettes, **electronic smoking devices**, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 18 years of age.

(3) **Resale Exception.** A child may purchase or possess cigarettes, **electronic smoking devices**, tobacco products, or nicotine products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Wis. Stat. § 134.65(1).

(4) **Compliance Investigation Exception.** A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, **electronic smoking devices**, tobacco products, or nicotine products in the course of his or her participation in an investigation under Wis. Stat. § 254.916 that is conducted in accordance with Wis. Stat. § 254.916(3).

(5) **Seizure.** A law enforcement officer shall seize any cigarette, **electronic smoking device**, tobacco product, or nicotine product involved in any violation of subsection (2) of this section **and destroy or discard same.”**

**Section 2.** This ordinance shall take effect the day after publication.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_ APPROVED \_\_\_\_\_

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Justin M. Nickels, Mayor

<b>Fiscal Impact:</b>	\$0
<b>Funding Source:</b>	n/a
<b>Finance Director Approval:</b>	/sc
<b>Approved as to form:</b>	/kmm

This resolution was drafted by Elizabeth Majerus, Assistant City Attorney

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