

Village of Newburg, Wisconsin  
**FILE NO. 2019-21**  
**A RESOLUTION / ORDINANCE REGARDING VAPING**

1           WHEREAS, the Newburg Police Department has researched “Vaping Products,” related  
2 laws and ordinances, practices of other municipalities, and recommended changes to the  
3 ordinances for the Village of Newburg, finding general concern for public safety and  
4 applicability of village ordinances as a topic to be addressed; and now therefore,  
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6           BE IT RESOLVED, the Board of Trustees amends village ordinances with the following  
7 changes:  
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9   130.027(A) Use of Cigarettes, Tobacco, Nicotine and Vapor Products

10 Add under definition:

11 **Nicotine Products. The meaning given in §134.66(1)(f), Wis. Stats**

12 **Vapor Products. Shall mean noncombustible products, that may or may not contain**  
13 **nicotine, that employ a mechanical heating element, battery, electronic circuit, or other**  
14 **mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or**  
15 **other form including but not limited to an electronic cigarette, electronic cigar, electronic**  
16 **cigarillo, electronic pipe, or similar product or device. "Vapor products" shall include any**  
17 **vapor cartridge, solution, or other container, that may or may not contain nicotine, that is**  
18 **intended to be used with an electronic cigarette, electronic cigar, electronic cigarillo,**  
19 **electronic pipe, or similar product or device. "Vapor products" do not include any products**  
20 **regulated by the United States Food and Drug Administration under Chapter V of the Food,**  
21 **Drug, and Cosmetic Act.**

22 (B)

23 (1) Buy or attempt to buy any cigarette, tobacco, nicotine or vapor products.

24 (2) Falsely represent his or her age for the purpose of receiving any cigarette, tobacco,  
25 nicotine or vapor products; or

26 (3) Possess any cigarette, tobacco, nicotine or vapor product.

27 (C)

28 *Exceptions.* A person under 18 years of age may purchase cigarettes, tobacco, nicotine or  
29 vapor products for the sole purpose of resale in the course of employment during his or her  
30 working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).

31 (D)

32 *Enforcement.* A law enforcement officer shall seize any cigarette, tobacco, nicotine or vape  
33 product involved in any violation of division (B) above committed in his or her presence.

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35 130.028 ~~Restrictions on Tobacco Products~~ Restrictions on sale or gift Cigarettes, Tobacco,  
36 Nicotine or Vapor Products

37 (B)

38 (1) No retailer may sell or give cigarettes, tobacco, nicotine or vapor products to any person  
39 under the age of 18, except as provided in Wis. Stats. § 983.991. A vending machine operator  
40 is not liable under this section for the purchase of cigarettes or tobacco products from his or  
41 her vending machine by a person under the age of 18 if the vending machine operator was  
42 unaware of the purchase.

43 (2) A retailer shall post a sign in areas within his or her premises where cigarettes, tobacco,  
44 nicotine or vapor products are sold to consumers stating that the sale of any cigarette,  
45 tobacco, nicotine or vapor product to a person under the age of 18 is unlawful under Wis.  
46 Stats. § 983.991.

47 (3) A vending machine operator shall attach a notice in a conspicuous place on the front of  
48 his or her vending machines stating that the purchase of any cigarette, tobacco, nicotine or  
49 vapor product by a person under the age of 18 is unlawful under Wis. Stats. § 983.991, and  
50 that the purchaser is subject to a forfeiture not to exceed \$25.

51 (5) (a) No manufacturer, distributor, jobber, subjobber, or retailer, or their employees or  
52 agents, may provide cigarettes, tobacco, nicotine or vapor products for nominal or no  
53 consideration to any person under the age of 18.

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55 (C) *Defense of retailer.* Proof of all of the following facts by a retailer who sells cigarettes,  
56 tobacco, nicotine or vapor products to a person under the age of 18 is a defense to any  
57 prosecution for a violation of division (B) above:

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59 130.029 ~~Use of Tobacco Products,~~ Nicotine, or Vapor Products on School Premises

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61 (A) Pursuant to Wis. Stats. § 120.12(20), no person shall use any tobacco product, nicotine  
62 or vapor product on any school property within the village.

63 (B) **USE ANY TOBACCO PRODUCT.** Smoke or possess a lighted cigar, cigarette, or pipe, or  
64 place any tobacco product in one's mouth or nicotine or vapor product.

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70 Passed and adopted by the Village Board of the Village of Newburg, Washington and Ozaukee  
71 Counties, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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\_\_\_\_\_

75 Rena Chesak, Village President

Deanna Alexander, Clerk