

STATE OF WISCONSIN    MILWAUKEE COUNTY    VILLAGE OF SHOREWOOD

ORDINANCE NO. 3003

AN ORDINANCE REPEALING AND REPLACING SECTION 10, "SMOKING PROHIBITED IN CERTAIN PLACES," OF CHAPTER 319, "HEALTH AND SANITATION," OF THE SHOREWOOD MUNICIPAL CODE

WHEREAS, The purported health benefits from electronic smoking devices (commonly known as e-cigarettes, e-pipes and several other trade and brand names) have not been scientifically proven, and use of these devices has not been proven safe, either for their users or for bystanders; and

WHEREAS, Research indicates electronic smoking devices may lead youth to try other tobacco products. In addition, research indicates that youth who use electronic smoking devices are more likely to use tobacco products, including cigarettes, than those youth who do not use electronic smoking devices;

NOW THEREFORE, at a regular meeting of the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, held on the 5<sup>th</sup> day of August, 2019, by a favorable vote of the members being present and therefore, said Board does ordain as follows:

**SECTION 1**

Section 10, "Smoking Prohibited in Certain Places", of Chapter 319, "Health and Sanitation," of the General Ordinances of the Village of Shorewood, is hereby repealed in its entirety and replaced as follows:

**§319-10      Smoking prohibited in certain places.**

**A.      Definitions**

(1) *Smoking* means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form.

Smoking also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking as outlined in this Code.

(2) *Electronic smoking device* means any product containing or delivering nicotine, or any other similar substance, whether natural or synthetic, intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product.

Electronic smoking device includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-pipes, vape pens, mods, tank systems, or under any other product name or descriptor. The term also includes any component part of such product whether or not sold separately.

Electronic smoking device does not include any product that has been approved by the United States Food and Drug Administration (FDA) for sale as a tobacco cessation product and is being marketed and sold solely for the approved purpose.

(3) *Person in charge* means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.

- B.** *Statutes adopted.* Except as expressly altered by this section, the provisions of § 101.123, § 134.66, and § 254.92, Wis. Stats., are hereby adopted and incorporated herein.
- C.** *Sale of electronic smoking devices to minors.* Consistent with § 134.66, and § 254.92, Wis. Stats., no person shall sell or offer for sale any electronic smoking device or nicotine product to any person under 18 years of age.
- D.** *Possession of electronic smoking device by persons under the age of 18.* No person under the age of 18 years of age shall possess any electronic smoking device or nicotine product.
- 11 *Use of electronic smoking devices on school grounds.* No person shall use an electronic smoking device on school grounds or in school buildings.
- E.** *Prohibition against smoking.* No person shall smoke in any of the following:
- a. Any place prohibited by § 101.123, Wis Stats., which are expressly adopted and incorporated herein.
  - b. Any enclosed indoor area in any place prohibited by § 101.123, Wis Stats.
  - c. All municipal premises, excluding parkland.
- F.** *Penalty:* the penalty for a violation of any provision of this section shall be as set forth in §115-11 of the Village Code, with a forfeiture of not less than \$100 or more than \$250 for each violation.

## SECTION 2

That all Ordinances or parts of Ordinances conflicting with the provisions of this Ordinance are hereby to such extent repealed.

## SECTION 3

That this Ordinance shall take effect and be in force from and after its passage and posting.

PASSED AND ADOPTED by the Village Board of the Village of Shorewood, Milwaukee County, Wisconsin, this 5<sup>th</sup> day of August, 2019.

  
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Allison Rozek, Village President

Countersigned:

Sara Bruckman  
Sara Bruckman, CMC/WCMC, Village Clerk