

SEC. 11-5-9 PURCHASE OR POSSESSION OF TOBACCO PRODUCTS.

- (a) **Definition of Tobacco Products.** For the purposes of this Section, “tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.
- (b) **Prohibition Against Sale of or Availability of Cigarettes and Tobacco Products.**
- (1) Prohibition. It shall be a violation of this Section for any retailer to sell or give cigarettes or tobacco products to any person under the age of eighteen (18) except as provided in Sec. 938.983(3), Wis. Stats. A vending machine operator is not liable for the purchase of cigarettes or tobacco products from his/her vending machine by a person under eighteen (18) years of age if the vending machine operator was unaware of the purchase.
 - (2) Vending Machine Requirements. The maintenance or keeping by retailers of vending machines dispensing cigarettes or tobacco products within the City of Galesville limits shall be in strict conformity with the requirements of Sec. 134.66(2)(c), Wis. Stats., the provisions of which are incorporated herein by reference.
 - (3) Vending Machine Placement. No retailer shall place a vending machine dispensing cigarettes or tobacco products within five hundred (500) feet of any school. The operator of any such vending machine which is located within five hundred (500) feet of a school as of the effective date of this Section and which is so placed pursuant to a written agreement binding upon the vending machine operator may leave it there subject to the requirement, however, that he/she shall cause said vending machine(s) to be removed no later than May 1, 1993, or the date of expiration of the written agreement related thereto, whichever occurs first.
 - (4) Restrictions on Manufacturers. No manufacturer, distributor, jobber, sub-jobber or retailer or their employees or agents may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of eighteen (18).
 - (5) Notice Requirements. Retailers and vending machine operators shall comply with the posting and notice requirements set forth at Sec. 134.66(2)(b), Wis. Stats.
 - (6) Conformity With State Law. It is the intention of the City that this Subsection shall conform strictly with Sec. 134.66(2)(a), (c), (cm) and (d), Wis. Stats. Should any provision herein set forth fail to meet with this qualification upon court review, the offending provision shall be considered to be severed from the remainder of this Section, which shall remain in full force and effect as if the offending provision were never adopted.
- (c) **Prohibition Against Use and Purchase of Cigarettes and Tobacco Products to Persons Under the Age of Eighteen (18).**
- (1) Definitions. The definitions set forth at Sec. 938.983(1), Wis. Stats., are incorporated herein by reference.
 - (2) Purchase Prohibitions. No person under the age of eighteen (18) years may do any of the following:
 - a. Buy or attempt to buy any cigarette or tobacco product, except in accord with Sec. 48.983(3), Wis. Stats.
 - b. Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

- (3) Seizure of Tobacco Product. A law enforcement officer in whose presence a violation of Subsection (c)(2) occurs shall seize any cigarette or tobacco product involved therein.
- (4) Conformity With State Law. It is the intention of the City that this Subsection shall conform strictly with Secs. 938.983 and 134.66, Wis. Stats. Should any provision herein set forth fail to meet with this qualification upon court review, the offending provision shall be considered to be severed from the remainder of this Section, which shall remain in full force and effect as if the offending provision were never adopted.

State Law Reference: Secs. 48.983, 134.66 and 778.25(1)(a), Wis. Stats.

SEC. 11-5-10 SMOKING BY MINORS ON PUBLIC PROPERTY.

No person shall carry or possess a lighted cigar, cigarette, pipe, electronic smoking device (including, but not limited to “e-cigarettes”), or any other lighted smoking equipment, tobacco product, or nicotine product restricted by state law on public property within five hundred (500) feet of a school grounds within the City of Galesville at any time. *(amended 10/11/18)*