

CHAPTER 82

ORDINANCE PROHIBITING PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY A CHILD

The County Board of Supervisors of St. Croix County, Wisconsin does ordain as follows:

This ordinance is adopted in strict conformity with §§48.983 and 938.343, Wisconsin Statutes.

A. PURCHASE OR POSSESSION OF TOBACCO PRODUCTS PROHIBITED

(1) In this ordinance:

- (a) "Child" means a person who is less than 18 years of age.
- (b) "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.
- (c) "Law Enforcement Officer" means any person employed by the State or any political subdivision of the State for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce and includes a person appointed as a conservation warden by the Department of Natural Resources under §23.10 (1), Wisconsin Statutes.
- (d) "Tobacco Products" means cigars, cheroots, stogies, periques, granulated plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts; refuse scraps, clippings, and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but "tobacco products" does not include cigarettes as defined herein.

(2) Except as provided in sub. (3), no child may do any of the following:

- (a) Buy or attempt to buy any cigarette or tobacco product.
- (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
- (c) Possess any cigarette or tobacco product.

(3) A child may purchase or possess cigarettes or tobacco 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 §134.65 (1), Wisconsin Statutes.

- (4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub (2) committed in his or her presence.

B. JURISDICTION

Jurisdiction over proceedings alleging a violation of this ordinance shall be in the Circuit Court of St. Croix County. The judges of the Circuit Court may delegate the authority to hear and adjudicate such matters to a court commissioner, pursuant to §§757.69, 48.065 and 938.065, Wisconsin Statutes. Said court commissioner must be a juvenile court commissioner authorized by the County Board of Supervisors and appointed by the Chief Judge of our judicial district in order to hear §938.065 and §938.12, Wisconsin Statutes, matters.

C. FORFEITURE

Any child who is found to have violated any provision of this ordinance may be ordered by the Court to pay a maximum forfeiture of up to \$50.00. Any such order by the Court shall include a finding that the juvenile alone is financially able to pay and shall allow up to 12 months for payment. If a juvenile fails to pay the forfeiture, the court may suspend any license issued under Chapter 29, Wisconsin Statutes, or suspend the juvenile's operating privilege as defined in §340.01 (4), Wisconsin Statutes, for not less than 30 days nor more than 5 years.

D. AMENDMENTS

Any amendments, revisions or modifications of §48.983 and §938.343 (2), Wisconsin Statutes or any other statutes incorporated into this ordinance are intended to be made part of this Ordinance.

This Ordinance shall take effect and be in force from and after its proper passage and publication pursuant to Wisconsin Law.

Ordinance No. 414 (97) - March, 1997