

ORDINANCE NO. 61

UNDERAGE TOBACCO ORDINANCE

**AN ORDINANCE
TOWN OF GENEVA
WALWORTH COUNTY, WISCONSIN**

This Ordinance is adopted under the authority of Section 254.92(4) Wis. Stats., as amended and is an Ordinance establishing regulation of purchase and possession of tobacco and tobacco products by juveniles in the Town of Geneva.

The Town Board of the Town of Geneva, Walworth County, Wisconsin, does ordain as follows:

Section 1. This ordinance shall be known as the "Underage Tobacco Ordinance, Town of Geneva, Walworth County, State of Wisconsin", and hereinafter referred to as the "ordinance".

Section 2. Definitions.

In this ordinance:

- (a) "Cigarette" has the meaning given in §139.30(1), Wis. Stats.
- (b) "Law enforcement officer" has the meaning given in §165.85(2)(c), Wis. Stats.
- (c) "Retailer" has the meaning given in §134.66(1)(g), Wis. Stats.
- (d) "Tobacco products" has the meaning given in §139.75(12), Wis. Stats.

Section 3. Purchase or possession of cigarettes or tobacco products by person under 18 prohibited.

- (1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
- (2) No person under 18 years of age may purchase, attempt to purchase, or possess any cigarette or tobacco product except as follows:
 - (a) A person under 18 years of age 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.

(b) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his or her participation in an investigation under §254.916, Wis. Stats., that is conducted in accordance with §254.916(3), Wis. Stats.

(3) A law enforcement officer shall seize any cigarette or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

Section 4. Penalty.

The penalty for violating any of the conduct prohibited under this ordinance shall be a forfeiture of not to exceed Fifty Dollars (\$50.00), or in default of payment thereof, imprisonment for not more than five (5) days.

Section 5. This Ordinance shall take effect upon its passage and publication, as provided by law.

Passed and adopted by the Town Board of the Town of Geneva, Walworth County, Wisconsin, this 12th day of January, 2004.

Joseph F. Kopecky, Chairman

Merle L. Loomer

Robert McLernon

Robert Cramer

Mary Van Lue

ATTEST:

Debra L. Kirch, Clerk

Date Adopted: 1/12/04

Date Posted: 1/23/04