

## CITY OF COLUMBUS

ORDINANCE NO. \_\_\_\_\_

### AN ORDINANCE TO CREATE SECTION 66-180 OF THE CITY OF COLUMBUS CODE OF ORDINANCES CONCERNING THE REGULATION OF ELECTRONIC SMOKING DEVICES AND ELECTRONIC SMOKING DEVICE PARAPHERNALIA

The Common Council of the City of Columbus, Columbia County, Wisconsin does hereby ordain as follows:

1. Sec. 66-180, Regulation of Electronic Smoking Devices and Electronic Smoking Device Paraphernalia, is created to read as follows:

#### **Sec. 66-180. - Regulation of Electronic Smoking Devices and Electronic Smoking Device Paraphernalia.**

- (a) **Purpose and authority.** Section 66-180 is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Columbus. This section is adopted under the authority of Wis. Stats. §101.123(4m).
- (b) **Definitions.** Except as set forth below, the definitions of Wis. Stats. §101.123(1) are hereby adopted. In this section:
  - (1) Electronic smoking device means any product containing or delivering nicotine or any other substance 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 any component part of such product whether or not sold separately. The term shall include such devices whether they are manufactured as electronic cigarettes, electronic cigars, electronic pipes or any other product name.
  - (2) Electronic smoking device paraphernalia means cartridges, cartomizers, e-liquid, smoke juice, tips, atomizers, electronic smoking device batteries and chargers and any other item specifically designed for the preparation, charging or use of electronic smoking devices.
  - (3) Retailer means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, electronic smoking devices or electronic smoking device paraphernalia. "retailing" means the doing of any of these things. This definition is without regard to the quantity of the electronic smoking devices or electronic smoking device paraphernalia sold, offered for sale, exchanged, or offered for exchange.
  - (4) Self-service display means the open display or storage of electronic smoking devices or electronic smoking device paraphernalia in a manner that is physically accessible in any way to the general public without the assistance or a retailer or employee of a retailer. A vending machine is a form of self-service display.

- (5) Smoking has the meaning given in Wis. Stats. §101.123(1)(h), and also includes 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.
- (c) **Prohibition on smoking in city buildings and property.** No person may smoke within any portion of any municipal building in the city or any access corridor leading thereto or any municipally owned vehicle. Building is defined as any structure having a roof supported by columns or walls and all park shelters.
- (d) **Prohibition on smoking in smoke free places.**
  - (1) The provisions of Wis. Stats. §101.123 relating to the prohibition of smoking in various enclosed places, are hereby adopted and made part of this Code by reference.
  - (2) No person, employer or nonprofit entity shall knowingly permit smoking in an area under the control of that person, employer or nonprofit entity and in which smoking is prohibited by law.
  - (3) No person shall use an electronic smoking device on school grounds or in school buildings.
- (e) **Prohibition on possession by underage individuals.** Possession of an electronic smoking device or electronic smoking device paraphernalia by an individual under the age of 21 is prohibited in all places within the City of Columbus.
- (f) **Prohibition on possession by underage individuals on school grounds or in school buildings.** Possession of an electronic smoking device or electronic smoking device paraphernalia by an individual under the age of 21 is prohibited on school grounds or in any school building.
- (g) **Retailing requirements and regulations.**
  - (1) No retailer shall sell, give or furnish an electronic smoking device or electronic smoking device paraphernalia to a person without first examining identification to confirm that the recipient has attained the age of 21.
  - (2) **Sale to underage prohibited.** It shall be a violation of this section to sell, give or furnish, or cause to be sold, given or furnished, an electronic smoking device or electronic smoking device paraphernalia to a person who is under the age of 21 in any place within the City of Columbus.
  - (2) No person, motivated by an economic or a business purpose, shall engage in the non-sale distribution of any electronic smoking device or electronic smoking device paraphernalia within the City of Columbus.
- (h) **Purchase or possession of electronic smoking device or electronic smoking device paraphernalia by persons under 21 prohibited.**
  - (1) No person under 21 years of age may falsely represent his or her age for purposes of receiving any electronic smoking device or electronic smoking device paraphernalia.
  - (2) No person under 21 years of age may purchase, attempt to purchase, or possess any electronic smoking device or electronic smoking device paraphernalia except as follows:
    - a. A person under 21 years of age may purchase or possess electronic smoking devices or electronic smoking device paraphernalia 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 21 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess electronic smoking devices or electronic smoking device paraphernalia in the course of his or her participation in an investigation under the same terms and conditions as an investigation as set forth in §254.916, Stats.
- c. No person may purchase electronic smoking devices or electronic smoking device paraphernalia on behalf of, or to provide to, any person who is under 21 years of age.
- d. A law enforcement officer shall seize any electronic smoking device or electronic smoking device paraphernalia that has been sold to and is in the possession of a person under 21 years of age.

(i) **Penalties.**

- (1) Those who violate 66-180(c), 66-180(d)(1) or 66-180(d)(2) shall be fined \$20.00 for a first offense, \$50.00 for a second offense, and \$150.00 for a third and subsequent violation.
- (2) Those who violate 66-180(d)(3) and 66-180(f) shall be fined \$50.00 for a first offense, \$150.00 for a second offense, and \$200.00 for a third and subsequent violation.

- 2. **Severability.** Each section, paragraph, sentence, clause, word, and provision of section 66-180 is severable, and if any such provision shall be held unconstitutional or invalid for any reason, such decision(s) shall not affect the remainder of the chapter nor any part thereof other than that affected by such decision
- 3. **Effective Date.** This Ordinance shall take effect immediately upon its passage and posting as required by law.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF COLUMBUS**

By: \_\_\_\_\_  
Joseph Hammer, Mayor

By: \_\_\_\_\_  
Susan L. Caine, Clerk