

ORDINANCE NO. 2025-06

AN ORDINANCE TO CREATE CHAPTER 107 RELATED TO CIGARETTE, TOBACCO PRODUCTS, NICOTINE PRODUCTS, AND ELECTRONIC VAPING DEVICES IN THE MUNICIPAL CODE OF THE VILLAGE OF WALDO, SHEBOYGAN COUNTY, WISCONSIN

WHEREAS, the Village Board of the Village of Waldo has recognized the growing concern over the health and safety risks associated with the use of cigarettes, tobacco products, nicotine products, and electronic vaping devices; and

WHEREAS, the Village Board of the Village of Waldo acknowledges the need for clear and enforceable regulations regarding the sale, distribution, and possession of these products within the Village to protect the well-being of the community; and

WHEREAS, it is in the best interest of the Village to regulate the sale and use of cigarettes, tobacco products, nicotine products, and electronic vaping devices within the Village limits to reduce harm to the public health and ensure compliance with state laws;

NOW, THEREFORE, the Village Board of the Village of Waldo, Sheboygan County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 107 of the Village of Waldo Municipal Code is hereby created as follows:

CHAPTER 107: CIGARETTE, TOBACCO PRODUCTS, NICOTINE PRODUCTS, AND ELECTRONIC VAPING DEVICES

Sec. 107-1. State Statutes adopted.

The provisions of Wis. Stats. 134.65-134.66 and 254.92, and any subsequent amendments thereto, relating to the sale, gifts, purchase, or possession of cigarettes, tobacco products, nicotine products, and electronic vaping devices are adopted and made a part of this section by reference. A violation of any such provisions, or future amendments thereto, shall constitute a violation of this section.

Sec. 107-2. Definitions.

For the purposes of this chapter, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Cigarettes:** A roll of tobacco wrapped in paper or any substance not containing tobacco that is intended to be smoked.
- **Tobacco products:** Any product made from tobacco, including but not limited to cigars, chewing tobacco, snuff, pipe tobacco, and loose tobacco for roll-your-own cigarettes.
- **Nicotine products:** Products that contain nicotine, including but not limited to nicotine liquid for electronic vaping devices, nicotine pouches, and nicotine patches.

- **Vaping equipment:** Any electronic device that is used to inhale nicotine or other substances, including but not limited to e-cigarettes, e-cigars, vape pens, or any device that uses a liquid nicotine solution to create a vapor that is inhaled.
- **Legal smoking age:** 21 years of age.
- **Underage person:** A person who has not attained the legal smoking age.

Sec. 107-3. Underage person; purchase, sale and possession of cigarettes, tobacco products, nicotine products, or electronic vaping devices.

(a) **Restrictions.** Pursuant to Wis. Stats. 254.92, no underage person may knowingly purchase or possess cigarettes, tobacco products, nicotine products, or electronic vaping devices.

(b) **Selling cigarettes, tobacco products, nicotine products, or electronic vaping devices:** No person who is under 18 years of age may sell cigarettes, tobacco products, nicotine products, or electronic vaping devices.

Sec. 107-4. License application and fees.

Application for a license to sell or deal in cigarettes, tobacco products, nicotine products, or electronic vaping devices shall be made in writing on the form prescribed by Wis. Stats. 134.65(1g) and shall be filed with the clerk-treasurer not less than 15 days prior to the granting of the license.

The fees for issuance of cigarette, tobacco products, nicotine products, or electronic vaping device-related licenses shall be provided in Wis. Stats. 134.65(2) and the village fee schedule.

Sec. 107-5. License required.

No person shall vend, sell, deal in, or give away any cigarette, tobacco products, nicotine products, or electronic vaping devices, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances, and regulations applicable thereto.

Sec. 107-6. License conditions and restrictions.

In addition to the conditions and restrictions imposed by state law on the granting of cigarette, tobacco products, nicotine products, and electronic vaping device licenses hereunder, the following conditions and restrictions shall apply: consent to inspection of premises.

It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police of the village without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.

Sec. 107-7. Violations and penalties.

(a) **Violation by agents or employees:** A violation of this chapter by a duly authorized agent or employee of a licensee shall constitute a violation of the license.

(b) **Penalties:** Any person, partnership, or corporation who violates any of the provisions of this chapter shall be subject to a forfeiture as provided in Wis. Stats. 134.65-134.66 and the village fee schedule. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

SECTION 2: SEVERABILITY

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the section or portion thereof directly involved in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are inconsistent with the provisions of this ordinance are hereby repealed as to those terms that are inconsistent.

SECTION 3: EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted this 14th day of April 2025.

VILLAGE BOARD OF THE VILLAGE OF WALDO

By: 
Gary Dekker, Village President

Attest: 
Lisa Gillette, Village Clerk/Treasurer