

**ORDINANCE NO. 2021-02**  
**AN ORDINANCE AMENDING SECTION 70-6 OF THE CODE OF ORDINANCES FOR**  
**THE VILLAGE OF UNION GROVE REGARDING PURCHASE OR POSSESSION**  
**OF TOBACCO PRODUCTS BY MINORS**

The Village Board of the Village of Union Grove ordains as follows:

1. That Section 70-6 of the Municipal Code of the Village of Union Grove be, and hereby is, amended to read as follows:

**“Sec. 70-6. Purchase or possession of tobacco products by minors prohibited.**

(a) Statutory authority. This section is created pursuant to chapters 254.92 and 938.343, Wis. Stats., as well as the 2019 amendment to the Federal Food, Drug and Cosmetic Act.

(b) Definitions.

*Cigarette* has the meaning given in section 139.30(1m), Wis. Stats.

*Law enforcement officer* has the meaning given in section 30.50(4s), Wis. Stats.

*Nicotine product* has the meaning given in section 134.66(1)(f), Wis. Stats.

*Tobacco product* has the meaning given in section 139.75(12), Wis. Stats.

(c) *Prohibition.*

(1) Except as provided in subsection (e), no person under the age of 21 years may do any of the following:

Buy or attempt to buy any cigarette, tobacco product, or nicotine product.

Falsely represent his or her age for the purpose of receiving any cigarette, tobacco product, or nicotine product.

Possess any cigarette, tobacco product or nicotine product.

(2) No person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 21 years of age.

(d) With respect to juveniles, as defined in 938.01(10m), Wis. Stats., the court may impose any penalty set forth in Chap. 938.343, Wis. Stats., upon conviction of a violation of this section. Any person ordered to pay a forfeiture under Chap. 938.343(2), Wis. Stats., shall forfeit not more than fifty dollars (\$50.00). Costs and penalty assessment

may not be added for juveniles under 14 years of age. Any adult convicted of violating subsection (c)(2) hereof shall be assessed a penalty as provided in section 70-2.

(e) A person under the age of 21 years (1) 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 Chap. 134.65(1), Wis. Stats., or, (2) provided the person is at least 15 years old, a person under 21 years old may purchase, attempt to purchase or possess cigarettes, tobacco products, or nicotine products if the person is participating in an investigation under 254.916, Wis. Stats., conducted in accordance with 254.916(3), Wis. Stats."

2. That this ordinance shall become effective upon adoption and publication as provided by law.

Adopted by the Village Board of Union Grove, Racine County, Wisconsin, this 1 day of Feb, 2021.

**VILLAGE OF UNION GROVE**

By: Michael Aimone  
Michael Aimone  
Village President

Attest: Rebecca Wallendal  
Rebecca Wallendal  
Village Clerk