

**ORDINANCE NO. 2018-14**

**AN ORDINANCE CREATING SECTION 70-8 OF THE CODE OF ORDINANCES  
FOR THE VILLAGE OF UNION GROVE REGARDING  
ELECTRONIC SMOKING DEVICES**

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

1. That Section 70-8 of the Municipal Code of the Village of Union Grove is hereby created to read as follows:

**“Sec. 70-8. Electronic smoking devices.**

(a) Findings.

(1) Electronic smoking devices are known by many different names. They are sometimes called “e-cigarettes”, “e-cigs”, “e-hookahs,” “mods,” “vape pens,” “vapes,” “tank systems,” and “electronic nicotine delivery systems.” Some devices are made to look like regular cigarettes, cigars, or pipes while other resemble pens, USB sticks, and other everyday items.

(2) Electronic smoking devices produce an aerosol by heating a liquid that usually contains nicotine, the addictive drug in regular cigarettes and other tobacco products, as well as flavorings and other chemicals that help to make the aerosol. Users inhale this aerosol into their lungs. Bystanders can also breathe in this aerosol when the user exhales into the air. Electronic smoking devices can be used to deliver marijuana and other drugs.

(3) While the aerosol from electronic smoking devices contain fewer toxic chemicals than found in regular cigarettes, the aerosol is not harmless, and such devices are not currently approved by the United States Food and Drug Administration (“FDA”) as a “quit smoking” device. The aerosol can contain harmful and potentially harmful substances, including nicotine, heavy metals like lead, volatile organic compounds, and cancer-causing agents such as formaldehyde and diacetyl.

(b) Purpose and authority. This ordinance is adopted, pursuant to Wis. Stat. § 101.123(1), for the purpose of protecting the public health, safety, comfort and general welfare of the people of the Village of Union Grove.

(c) Definitions. Except as set forth below, the definitions of Wis. Stat. § 101.123(1) are hereby adopted. In this section:

“Village buildings” and “village property” mean all village owned or operated buildings and those portions of buildings leased or operated by the village, and municipal property such as motor vehicles.

“Electronic smoking device” means any product containing or delivering nicotine or any other similar 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. “Electronic smoking device” is not included in any product that has been approved by the FDA for sale as a tobacco cessation product or is being marketed and sold solely for approved purposes.

“Smoking” including the 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.

(d) Prohibition.

(1) No person may smoke an electronic smoking device in Village buildings or Village-owned or leased motor vehicles.

(2) No person shall sell or offer for sale or provide for nominal or no consideration any electronic smoking device to any person under eighteen (18) years of age.

(3) No person under eighteen (18) years of age shall possess or use any electronic smoking device.

(e) Severability. Each section, paragraph, sentence, clause, word, and provision of this ordinance is severable, and if any such section or provision shall be held unconstitutional or invalid for any reason, such decision(s) shall not affect the remainder of the ordinance nor any part thereof other than that affected by such decision.

(f) Penalty. Any person who violates provisions of this ordinance shall be subject to the penalties set forth in Section 1-11 of the Code of Ordinances, except that where a juvenile is adjudged to have violated an ordinance, the Municipal Court is authorized to impose any of the dispositions listed in Wis. Stat. §§ 938.343 and 938.344.”

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 10<sup>th</sup> day of August, 2018.

**VILLAGE OF UNION GROVE**

By: Michael Aimone  
Michael Aimone  
Village President

Attest: Jill M. Firkus  
Jill M. Firkus  
Village Clerk