

**ORDINANCE NO. 61**

**UNDERAGE TOBACCO AND VAPING 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, tobacco products, nicotine products, and vaping 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 and Vaping 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.
- (e) “Electronic vaping device” has the meaning given in §134.65(1a)(b), Wis. Stats.
- (f) “Nicotine product” has the meaning given in §134.66(1)(f), Wis. Stats.

**Section 3. Purchase or possession of cigarettes, tobacco products, or vaping products by person under 21 prohibited.**

- (1) No person under 21 years of age may falsely represent his or her age for the purpose of receiving any cigarette, tobacco product, nicotine product, or vaping product.
- (2) No person under 21 years of age may purchase, attempt to purchase, or possess any cigarette, tobacco product, nicotine product, or vaping product except as follows:
  - (a) A person under 21 years of age may purchase or possess cigarettes, tobacco products, or vaping 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 21 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, tobacco products, or vaping 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, tobacco product, or vaping product that has been sold to and is in the possession of a person under 21 years of age.

**Section 4. Penalty.**

The penalty for violating any of the conduct prohibited under this ordinance shall be a forfeiture not to exceed Five hundred Dollars (\$500.00).

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

This Ordinance was adopted this 10th day of June, 2024, by a vote of: 5 in favor 0 against 0 abstain.