

CITY OF CEDARBURG

ORDINANCE NO. 2023-01

**AN ORDINANCE CREATING SECTION 11-2-19
OF THE CITY OF CEDARBURG CODE OF ORDINANCES
RELATING TO POSSESSION OF VAPE DEVICES ON SCHOOL GROUNDS
OR BY UNDERAGE PERSONS**

WHEREAS, existing state laws and the City’s Municipal Code prohibit smoking and possession of cigarettes or nicotine on school premises and by underage persons; and

WHEREAS, the possession and use of vape devices within the schools and by persons under the age of 18 is a significant issue to the schools and to law enforcement; and

WHEREAS, the current wording of the City ordinance does not directly address the possession or use of vape devices within the schools or by persons under the age of 18;

THEREFORE, the Common Council of the City of Cedarburg do ordain as follows:

1. That Section 11-2-19 of the City of Cedarburg Code of Ordinances be created as follows:

Sec. 11-2-19 – Regulation of vape devices and vape liquid as to underage persons and school grounds.

(a) *Definitions.* In this section,

“School” and “school premises” has the meaning set forth in Sec. 11-5-7(a).

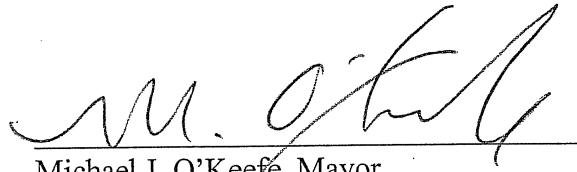
“Vape device” means a device designed to produce vapor or aerosol for inhalation from the application of a heating element to a liquid or other substance that is depleted as the product is used, regardless of whether the liquid or other substance contains nicotine.

“Vape liquid” means a substance, liquid, cartridge, or other material that is intended for use in a vape device.


- (b) *Possession by underage persons prohibited.* No person who has not yet reached 18 years of age shall purchase, attempt to purchase, or possess a vape device or vape liquid except as follows:
 - a. A person under 18 years of age may possess a vape device or vape liquid for the sole purpose of resale in the course of the person’s employment during the person’s working hours if employed by a retailer.

- b. A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase, or possess a vape device or vape liquid in the course of the person's participation in an investigation under Wis. Stat. § 254.916.
- (c) *Possession on school grounds prohibited.* No person shall use or possess a vape device or vape liquid on school premises.
2. If any provision of this ordinance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.
3. This ordinance shall take effect upon its passage and publication as provided by law.

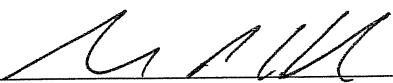
Passed and adopted this 9th day of January, 2023.


Michael J. O'Keefe, Mayor

Countersigned:


Tracie Sette, City Clerk

Approved as to form:


Michael P. Herbrand, City Attorney