

ORDINANCE 6A-23

**An Ordinance amending Chapter 8.06 of the Altoona Municipal Code “Smoking Prohibited” to add Chapter 8.06.050 Smoking on City property or public property under the jurisdiction of the City of Altoona prohibited at specific locations or during specific events and to renumber 8.06.060 Penalty for violation.**

THE COMMON COUNCIL OF THE CITY OF ALTOONA DOES HEREBY ORDAIN AS FOLLOWS:

**Section One:**

That Chapter 8.06 be amended to add Section 8.06.050 “Smoking on City property or public property under the jurisdiction of the City of Altoona prohibited at specific locations or during specific events” and to renumber 8.06.060 Penalty for violation.

**Section Two:**


A copy of Chapter 8.06 is permanently on file and open to public inspection in the office of the Altoona City Clerk and are incorporated by reference herein.

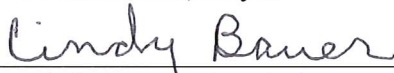
**Section Three:**

That this Ordinance need not be codified and shall take effect upon its adoption and publication as required by law.

Dated this 8th day of June, 2023.

CITY OF ALTOONA

By:   
Brendan Pratt, Mayor

By:   
Cindy Bauer, City Clerk

Approved: 6/8/2023  
Published: 6/14/2023  
Adopted: 6/8/2023

## Chapter 8.06

### SMOKING PROHIBITED\*

#### Sections:

- 8.06.010 Purpose.**  
**8.06.020 Definitions.**  
**8.06.030 Use or possession of cigarettes, tobacco products, electronic smoking devices by minors prohibited.**  
**8.06.040 Delivery of cigarettes, tobacco products, electronic smoking devices to minors prohibited.**  
**8.06.050 Smoking on City property or public property under the jurisdiction of the City of Altoona prohibited at specific locations or during specific events.**  
**8.06.050 8.06.060 Penalty for violation.**

\* Prior history: Ords. 4, 10A-88 and 6B-93.

#### **8.06.010 Purpose.**

A. Protecting the public health, safety, comfort, and general welfare of the people of the City of Altoona.

B. Clarifying and expanding upon the State's Smoking Ban Law enacted by 2009 Act 12 under the authority created by Wis. Stat. §101.123(4m) as created by the Act.

#### **8.06.020 Definitions.**

Except as set forth below, the definitions and provisions of Wis. Stat. §101.123 are hereby adopted:

A. "Electronic Smoking Device" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person in any manner for the purpose of inhaling vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

B. "Law enforcement officer" has the meaning given in Wisconsin Statutes Section 30.50(4s).

C. "Smoking" means burning or holding, or inhaling or exhaling smoke from, any of the following items:

1. A lighted or heated cigar.
2. A lighted or heated cigarette.
3. A lighted or heated pipe.
4. Any other lighted or heated smoking equipment.
5. An electronic smoking device.

D. "Tobacco products" has the meaning given in Wisconsin Statutes Section 139.75(12). (Ord. 1A-93 (part), 1993)

#### **8.06.030 Use or possession of cigarettes, tobacco products, electronic smoking devices by minors prohibited.**

A. Except as provided in subsection B of this section, no child may do any of the following:

1. Buy or attempt to buy any cigarette, tobacco product, electronic smoking devices;
2. Falsely represent his or her age for the purpose of receiving any cigarette, tobacco product, electronic smoking devices.
3. Possess any cigarette, tobacco product, electronic smoking devices.

B. A child may purchase cigarettes, tobacco products, electronic smoking devices for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Wisconsin Statutes Section 134.65(1).

C. A law enforcement officer shall seize any cigarette, tobacco product, electronic smoking devices involved in any violation of subsection A of this section committed in his or her presence.

D. Any child violating the provisions of this section will be subject to a forfeiture not to exceed fifty dollars in accordance with Wis. Stat. § 938.343(2). (part, Ord. 2B-15, 2015; Ord. 1A-93 (part), 1993).

**8.06.040 Delivery of cigarettes, tobacco products, electronic smoking devices to minors prohibited.**

No adult shall sell, trade, give away or otherwise transfer cigarettes, electronic smoking devices or any other tobacco products to a child except as provided in Section 8.06.030(B).

**8.06.050 Smoking on City property or public property under the jurisdiction of the City of Altoona prohibited at specific locations or during specific events.**

A. To protect the public health and comfort of the public, the Police Chief, or designee, may prohibit smoking on City property or public property under the jurisdiction of the City at specific locations or during specific events, either permanently or temporarily, consistent with State Statute 101.123 (4m), by providing notice as follows.

1. Official notice of such smoking prohibition shall be provided by posting such notice on the City's official website.
2. Signs announcing prohibited smoking areas shall be installed to clearly delineate areas where smoking is prohibited.

**8.06.050 8.06.060 Penalty for violation.**

Any person violating any of the provisions of this chapter shall, upon conviction thereof, incur a penalty as provided in Chapter 1.08. (Ord 1C-20, (part), 2020, Ord. 4A-15, 1A-96 (part), 1996, Ord 2D-21, 2021).



