

ORDINANCE NO. 2020-01

AN ORDINANCE TO AMEND TITLE 11, CHAPTER 7 OF THE VILLAGE OF CALEDONIA CODE OF ORDINANCES AS IT PERTAINS TO PENALTIES FOR OFFENSES INVOLVING SMOKING AND THE AGE OF SALE AND POSSESSION OF SMOKING.

The Village Board of the Village of Caledonia, Racine County, Wisconsin, ordains as follows

1. That Section 11-7-10, of the Village of Caledonia Code of Ordinances shall be amended in part to read:

“SEC. 11-7-10 PENALTIES.

- (a) Any person violating the prohibition against smoking in enclosed places or upon those unenclosed spaces identified in Wis. Stats. § 101.123(2)(d) and (e), shall be subject to a forfeiture of not less than \$100 nor more than \$250. Any person over the age of 18 violating Section 11-7-5 or Section 11-7-6 of this Chapter shall be subject to a forfeiture of not less than \$100 nor more than \$250. Any person over the age of 18, upon failure to pay the forfeiture, may be subject to not less than two (2) nor more than five (5) days of confinement in the county jail or house of correction.
- (b) Any person in charge of property as defined in Wis. Stat. § 101.123(1)(d), who violates the provisions of Wis. Stats. § 101.123(2m)(b) to (d) or Section 11-7-6 or Section 11-7-7 of this Chapter, shall be subject to a forfeiture of \$100 and, upon failure to pay the forfeiture, may be confined in the county jail or house of correction for a period of 2 days. No person in charge may be held subject to more than \$100 total forfeiture for violations occurring on the same calendar day. For violations subject to the forfeiture provided in this paragraph, no citation shall be issued to a person in charge who has not received a prior written warning notice.
- (c) Any person under the age of eighteen (18) who has been issued a citation under this Chapter shall be subject to penalties set forth in Wis. Stat. § 938.343 and § 938.344.”

2. That Section 11-7-12, of the Village of Caledonia Code of Ordinances shall be amended in part to read:

“SEC. 11-7-12 EFFECT OF FUTURE AMENDMENT TO WISCONSIN STATUTES.

In the event that the provisions of Wis. Stat. § 101.123 are amended to delete the regulation of smoking in various enclosed places or the State removes the authority of municipalities to regulate smoking in enclosed places, this Section shall have no effect and shall not be enforced within the Village, regardless of whether the ordinance remains included as a section of the Village's Code of Ordinances. In the event that the provisions of Wis. Stat. § 254.92 or other state statutes are amended to change the age of sale or possession of Cigarettes, Electronic

Smoking Devices, or Tobacco Products from eighteen (18) to twenty-one (21), the amendment shall apply to Sections 11-7-6 to 11-7-10 of this Chapter.”

3. That this ordinance shall take effect upon the day after posting or publication in accordance with ordinance and applicable law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this 20th day of January, 2020.

VILLAGE OF CALEDONIA

By: James R. Dobbs
James R. Dobbs, President

Attest: Karie Pope
Karie Pope, Village Clerk