

ORDINANCE NO.: 5139

AN AMENDED ORDINANCE to create Section 32-3(c) and (d) of the Code of Ordinance of the City of La Crosse relating to smoking and vaping in public places or on City property.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 32-3(c) and (d) are hereby created to read as follows:

(c) Prohibition against smoking under this section shall include the use of any electronic delivery device used for smoking. ~~inhaling or exhaling smoke, mist or vapor.~~

(1) Smoking under this Section shall have the same definition as defined in Wis. Stats. In addition, smoking shall also mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookas and marijuana, whether natural or synthetic, in any manner or in any form. Smoking shall also include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Section.

(2) Electronic delivery device means any device that may be use to deliver any aerosolized or vaporized substance to the person inhaling form the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.

(d) Smoking and the use of any electronic delivery device used for ~~smoking~~ ~~inhaling or exhaling smoke, mist or vapor~~ shall be prohibited on the grounds of all City of La Crosse owned properties, excluding sidewalks within the public's right-of-way, unless there is a designated area.

SECTION II: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION III: This ordinance shall take effect upon passage and publication.

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 5/14/2020
Approved: 5/14/2020
Published: 5/23/2020