



Minutes - February 27, 2024

Call to Order: Chair Beaver called the hybrid meeting of the Public Safety & Justice Committee to order at 5:15 P.M. in Conference Room N1/N2.

Committee Members Present: Supervisors Beaver, Knudson, Whitledge, and Zoril.

Committee Members Absent: Supervisor Bomkamp.

Staff Members Present: Belem Regan, Mediation & Family Court Services Director; Melissa Wittwer, Child Support Director; Fredd Carr, 911 Communications Director; Randy Terronez, Assistant to the Administrator; Kevin Wernet, Emergency Management Director; Josh Smith, County Administrator; Captain Thompson.

Others Present:None.

Approve Agenda: Supervisor Whitledge moved approval of the agenda as presented, second by Supervisor Zoril. ADOPTED.

Citizen Participation, Communications and Announcements: March 20 there is a Weather Spotter training at Edgerton High School.

Approval of Minutes:

February 13, 2024 Minutes: Supervisor Knudson moved approval of the February 13, 2024 minutes, second by Supervisor Whitledge. ADOPTED.

February 22, 2024 Minutes: Supervisor Whitledge moved approval of the February 22, 2024 minutes, second by Supervisor Zoril. ADOPTED.

Consent Calendar:

Approval of Transfers: None.

Review of Payments: The committee reviewed the payments.

Review and Approval of Resolutions:

Recognizing Deputy Lee Jackson: "NOW, THEREFORE, BE IT RESOLVED that the Rock County

Board of Supervisors duly assembled this _____ day of _____, 2024, does hereby recognize Deputy Lee Jackson for his over 29 years of faithful service and recommends that a sincere expression of appreciation be given to Deputy Lee Jackson along with best wishes for the future."

Supervisor Zoril moved approval of the above resolution, second by Supervisor Whitledge.
ADOPTED.

Recognizing Correctional Officer Janel Karstetter: "NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors duly assembled this _____ day of _____, 2024, does hereby recognize Correctional Officer Janel Karstetter for her over 25 years of faithful service and recommends that a sincere expression of appreciation be given to Correctional Officer Janel Karstetter along with best wishes for the future."

Supervisor Zoril moved approval of the above resolution, second by Supervisor Knudson. ADOPTED.

Amend Ordinance 3.702 Regarding Possession of Tobacco Products and Electronic Smoking Devices by Children Prohibited: Supervisor Zoril moved approval of the above resolution amendment, second by Supervisor Whitledge.

Supervisor Zoril explained that there were originally some concerns expressed with the resolution. He spoke to potential amendments.

Supervisor Zoril moved to amend the resolution by striking out everything and replacing with the provided copy (attached), second by Supervisor Whitledge.

Motion to amend - ADOPTED.

Original motion - ADOPTED.

Review, Discussion and Possible Action:

Approval to Purchase Generator Replacement - 911 Communications Center: Supervisor Knudson moved to approval to purchase generator replacement, second by Supervisor Whitledge.
ADOPTED.

Approval to Purchase Replacement Uninterruptable Power Supplies (UPS) - 911 Communications Center: Supervisor Whitledge moved approval to purchase replacement uninterruptible power supplies, second by Supervisor Beaver. ADOPTED.

Update and Discussion on EMS Hospital Interfacility Transfer - 911 Communications Center:
Fredd Carr provided an update.

Next meeting date and time: March 12 at 5:15 P.M.

Adjournment: Supervisor Whitledge moved to adjourn at 5:57 P.M., second by Supervisor Knudson.
ADOPTED.

Respectfully submitted,

Haley Thompson
Executive Assistant

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.

ORDINANCE OF
ROCK COUNTY BOARD OF SUPERVISORS

Supervisor Mike Zoril
INITIATED BY



February 20, 2024
DATE DRAFTED

AMENDING CHAPTER 3, PART 7, SUBPART 2
OF THE ROCK COUNTY CODE OF ORDINANCES

Rock County Board of Supervisors duly assembled this _____ day of _____, 20__ does ordain as follows (added text appears as underlined; deleted text appears as ~~struck through~~):

I. The title to Chapter 3, Part 7, Subpart 2 shall be amended to read as follows:

Subpart 2: ~~Possession of Tobacco Products by Children~~ Sale and Possession of Tobacco Products Regulated

II. Section 3.702 deleted in its entirety and re-ordained to read as follows:

3.702 Purchase or Possession of Cigarettes or Tobacco Products by Minors

(1) Authority and Scope. This section is adopted in conformity with Wis. Stat. § 254.92 and shall not apply within a town, village, or city that has enacted or enacts an ordinance under this subsection.

(2) Definitions. In this section:

(a) "Cigarette" has the meaning given in s. 139.30 (1m). 254.911(2)

(b) "Governmental regulatory authority" means the department, a local health department, a state agency or a state or local law enforcement agency; or a person with whom the local health department, state agency, or state or local law enforcement agency contracts to conduct investigations authorized under s. 254.916 (1) (a).

(c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(d) "Nicotine product" has the meaning given in s. 134.66 (1) (f).

(e) "Retailer" has the meaning given in s. 134.66 (1) (g).

(f) "Retail outlet" means a place of business from which cigarettes, nicotine products, or tobacco products are sold at retail to consumers.

(g) "State agency" has the meaning given in s. 1.12 (1) (b).

(h) "Tobacco products" has the meaning given in s. 139.75 (12).

(i) "Tobacco vending machine" is any mechanical device that automatically dispenses cigarettes or tobacco products when money or tokens are deposited in the device in payment for the cigarettes or tobacco products.

(j) "Tobacco vending machine operator" means a person who acquires tobacco products or stamped cigarettes from manufacturers, as defined in s. 134.66 (1) (e), or permittees, stores them and sells them through the medium of tobacco vending machines that he or she owns, operates or services and that are located on premises that are owned or under the control of other persons.

(k) "Tobacco vending machine premises" means any area in which a tobacco vending machine is located.

(3) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette, nicotine product, or tobacco product.

(4) No person under 18 years of age may purchase, attempt to purchase, or possess any cigarette, nicotine product, or tobacco product except as follows:

(a) A person under 18 years of age may purchase or possess cigarettes, nicotine products, or tobacco 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 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes, nicotine products, or tobacco products in the course of his or her participation in an investigation under s. 254.916 that is conducted in accordance with s. 254.916 (3).

(5) No person may purchase cigarettes, tobacco products, or nicotine products on behalf of, or to provide to, any person who is under 18 years of age. Any person who violates this subsection may be:

(a) Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.

(b) Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.

(c) Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.

(d) Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.

(6) A law enforcement officer shall seize any cigarette, nicotine product, or tobacco product that has been sold to and is in the possession of a person under 18 years of age.

(7) Enforcement. The Rock County Public Health Department and the Rock County Sheriff's Office shall have authority to enforce this ordinance pursuant to Wis. Stat. §§ 134.66 & 254.916

III. Section 3.703 is created to read as follows:

3.703 Restriction on the Sale or Gift of Cigarettes, Nicotine Products, or Tobacco Products

(1) Authority and Scope. This section is adopted in conformity with Wis. Stat. 134.66(5) and shall not apply within any town, village, or city that has adopted or adopts an ordinance under this subsection. If a county, town, village, or city conducts unannounced investigations of retail outlets, as defined in s. 254.911 (5), to determine compliance with an ordinance adopted under this subsection, as authorized under s. 254.916 (1), the investigations shall meet the requirements of s. 254.916 (3) (a) to (f) and any standards established by the department of health services under s. 254.916 (1) (b).

(2) Definitions. In this section:

(a) "Cigarette" has the meaning given in s. 139.30 (1m).

(am) "Direct marketer" has the meaning given in s. 139.30 (2n).

(b) "Distributor" means any of the following:

1. A person specified under s. 139.30 (3).

2. A person specified under s. 139.75 (4).

(c) "Identification card" means any of the following:

1. A license containing a photograph issued under ch. 343.

2. An identification card issued under s. 343.50.

3. An identification card issued under s. 125.08, 1987 stats.

4. A tribal identification card, as defined in s. 134.695 (1) (cm).

(d) "Jobber" has the meaning given in s. 139.30 (6).

(e) "Manufacturer" means any of the following:

1. A person specified under s. 139.30 (7).

2. A person specified under s. 139.75 (5).

(f) "Nicotine product" means a product that contains nicotine and is not any of the following:

1. A tobacco product.

2. A cigarette.

3. A product that has been approved by the U.S. food and drug administration for sale as a smoking cessation product or for another medical purpose and is being marketed and sold solely for such an approved purpose.

(g) "Retailer" means any person licensed under s. 134.65 (1).

(h) "School" has the meaning given in s. 118.257 (1) (d).

(hm) "Stamp" has the meaning given in s. 139.30 (13).

(i) "Subjobber" has the meaning given in s. 139.75 (11).

(j) "Tobacco products" has the meaning given in s. 139.75 (12).

(k) "Vending machine" has the meaning given in s. 139.30 (14).

(L) "Vending machine operator" has the meaning given in s. 139.30 (15).

(3) Restrictions.

(a) No retailer, direct marketer, manufacturer, distributor, jobber or subjobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person under the age of 18, except as provided in s. 254.92 (2)

(a). A vending machine operator is not liable under this paragraph for the purchase of cigarettes, nicotine products, or tobacco products from his or her vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

(am) No retailer, direct marketer, manufacturer, distributor, jobber, subjobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or subjobber and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes, nicotine products, or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

(b)

1. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and s. 254.92.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under s. 254.92 and that the purchaser is subject to a forfeiture of not to exceed \$50.

(cm)

1m. A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless the vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.

2. Notwithstanding subd. 1m., no retailer may place a vending machine within 500 feet of a school.

(e) No retailer or direct marketer may sell cigarettes in a form other than as a package or container on which a stamp is affixed under s. 139.32 (1).

(4) Training.

(a) Except as provided in par. (b), at the time that a retailer hires or contracts with an agent, employee, or independent contractor whose duties will include the sale of cigarettes or tobacco products, the retailer shall provide the agent, employee, or independent contractor with training on compliance with sub. (3) (a) and (am), including training on the penalties under sub. (6) (a) 2. for a violation of sub. (3) (a) or (am). The department of health services shall make available to any retailer on request a training program developed or approved by that department that provides the training required under this paragraph. A retailer may comply with this paragraph by providing the training program developed or approved by the department of health services or by providing a comparable training program approved by that department. At the completion of the training, the retailer and the agent, employee, or independent contractor shall sign a form provided by the department of health services verifying that the agent, employee, or independent contractor has received the training, which the retailer shall retain in the personnel file of the agent, employee, or independent contractor.

(b) Paragraph (a) does not apply to an agent, employee, or independent contractor who has received the training described in par. (a) as part of a responsible beverage server training course or a comparable training course, as described in s. 125.04 (5) (a) 5., that was successfully completed by the agent, employee, or independent contractor. The department of health services shall make the training program developed or approved by that department under par. (a) available to the technical college system board, and that board shall include that training program or a comparable training program approved by

that department in the curriculum guidelines specified by that board under s. 125.04 (5) (a) 5. The department of health services shall also make the training program developed or approved by that department under par. (a) available to any provider of a comparable training course, as described in s. 125.04 (5) (a) 5., on request, and the department of revenue or the department of safety and professional services may approve a comparable training course under s. 125.04 (5) (a) 5. only if that training course includes the training program developed or approved by the department of health services under par. (a) or a comparable training program approved by that department.

(c) If an agent, employee, or independent contractor who has not received the training described in par. (a) commits a violation of sub. (3) (a) or (am), a governmental regulatory authority, as defined in s. 254.911 (2), may issue a citation based on that violation only to the retailer that hired or contracted with the agent, employee, or independent contractor and not to the agent, employee, or independent contractor who has not received that training. If an agent, employee, or independent contractor who has received the training described in par. (a) commits a violation of sub. (2) (a) or (am) for which a governmental regulatory authority issues a citation to the retailer that hired or contracted with the agent, employee, or independent contractor, the governmental regulatory authority shall also issue a citation based on that violation to the agent, employee, or independent contractor who has received that training.

(5) Defense; sale to minor. Proof of all of the following facts by a retailer, manufacturer, distributor, jobber, or subjobber, an agent, employee, or independent contractor of a retailer, manufacturer, distributor, jobber, or subjobber, or an agent or employee of an independent contractor who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution, or a complaint made under s. 134.65 (7), for a violation of sub. (3) (a):

(a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(6) Penalties.

(a)

1. In this paragraph, "violation" means a violation of sub. (3)(a), (am), (cm), or (e).

2. A person who commits a violation is subject to a forfeiture of:

a. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or

b. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

3. A court shall suspend any license or permit issued under s. 134.65, 139.34 or 139.79 to a person for:

a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;

b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

4. The court shall promptly mail notice of a suspension under subd. 3. to the department of revenue and to the clerk of each municipality which has issued a license or permit to the person.

(b) Whoever violates sub. (3) (b) shall forfeit not more than \$25.

(7) Enforcement. The Rock County Public Health Department and the Rock County Sheriff's Office shall have authority to enforce this ordinance pursuant to Wis. Stat. §§ 134.66 & 254.916

FISCAL NOTE:

Minimal fiscal impact.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to Wis. Stat. § 59.02(2). Under Wis. Stat. § 254.92(4), County’s may enact ordinances regulating the purchase or possession of tobacco products by minors, but only if such ordinance strictly conforms to State law. Similarly, under Wis. Stat. § 134.66(5), County’s may regulate the sale of tobacco products to minors, but only if such regulation strictly conforms to State law.

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Matter of policy.

Josh Smith
County Administrator