

CITY OF PRESCOTT

**MEETING NOTICE
ORDINANCE COMMITTEE
MONDAY, FEBRUARY 11, 2019**

5:00 PM

**PRESCOTT MUNICIPAL BUILDING
800 BORNER ST.
PRESCOTT, WI 54021
Website: prescottwi.org**

1. Call to Order
2. Roll Call
3. Approve Minutes for August 6, 2018
4. Ordinance to Prohibit Possession of Vaping Device Products Under the Age of 18.
5. Other Business
6. Adjourn

NOTICE

**ACCESS TO THE MUNICIPAL BUILDING FOR THE DISABLED IS
AVAILABLE THROUGH THE MUNICIPAL BUILDING PARKING LOT
ENTRANCE. ALL THOSE WITH SPECIAL NEEDS SHOULD CALL CITY
HALL OFFICES (715-262-5544) IF ASSISTANCE IS REQUIRED.**

**CITY OF PRESCOTT, WISCONSIN
AUGUST 6, 2018 ORDINANCE COMMITTEE MEETING MINUTES**

Pursuant to due call and notice thereof, a meeting of the Ordinance Committee was held Monday, August 6, 2018 at the Municipal Building, 800 Borner St. Prescott, WI 54021

Aldersperson Hintz called the meeting to order at 5:30 p.m. Members present were Bailey Ruona, Galen Seipel and Dar Hintz. Code Enforcement Officer Sanjeev Dhawan and City Administrator Jayne Brand represented staff.

Seipel/Ruona motion to approve the minutes for July 16, 2018 passed without a negative voice vote.

The committee reviewed two ordinances in regards to accessory structure being used for residential purposes. City ordinances currently define human habitation as: the use of a building or other structure for human occupancy, including but not limited to cooking, eating, bathing and sleeping. The committee is having a hard time defining residential purposes. Staff has been directed to work with the League of Wisconsin Municipalities on getting a definition of residential purposes.

The committee reviewed the ordinance on swimming pools. After much discussion it was decided to enforce the setback in the ordinance which is 10 feet from all property lines. This would be for all above ground pools greater than 15 inches no matter what type of material the pool is made out of. **Seipel/Hintz motion to recommend approval of swimming pool ordinance as discussed passed without a negative voice vote.**

The committee discussed the implementation of an ordinance which would create a payment of a per-stall fee in lieu of providing off-street parking spaces in the Central Commercial, C-1 zoning which is mainly the downtown area. The committee discussed if this ordinance was implemented it would have to include new construction and any remodeling which would add additional space. It was also discussed the first square feet of the building area for new construction would need to be less than 6,000 square feet. The committee decided not to recommend the implementation of per-stall fee in lieu of providing off-street parking spaces for the C-1 zoning.

Other Business: Code Enforcement Officer presented several pictures of areas where he questioned if the city should be removing some weeds. After much discussion the committee stated that unless the weeds are causing a safety issue they city should not remove them. The committee would like additional letters sent and have an offer in the letter if they need help the city can help.

Ruona/Hintz motion to adjourn passed without a negative voice vote.

Respectfully Submitted,

Jayne M. Brand
City Administrator

CITY OF PRESCOTT, WISCONSIN

ORDINANCE 01-19

Section 1. The City Council of the City of Prescott, Wisconsin, Do Ordain as Follows:

The following ordinance is hereby enacted and made a part of the City Code of Ordinances:

CHAPTER 271 – Article III Prohibited Possession of Vaping Device Products Under the Age of 18

- (a) **Purpose.** This section is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Prescott.
- (b) **Definition.** For the purposes of this section, the term, “Vaping Device Product” means any noncombustible product, that may or may not contain nicotine, that employ a mechanical heating element, battery, electronic circuit, or other mechanism, regardless of shape or size, that can be used to produce a vapor in a solution or other form including but not limited to an electronic cigarette, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices. “Vaping Device Product” shall include any vapor cartridge, solution or other container, that may or may not contain nicotine, that is intended to be used with an electric cigarette, electronic cigar, electronic cigarillo, electronic pipe, vaporizers, or similar products or devices. “Vaping Device Product” does not include any products regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.
- (c) **Possession.** No Person under the age of 18 years may possess electronic nicotine delivery systems (ENDS) or any of their components or parts. Components or parts of ENDS include e-liquids, cartridges, atomizers, cartomizers and clearomizers, tank systems, drip tips, and flavoring for ENDS. ENDS include what are commonly referred to as vapes, vaporizers, vape pens, hookah pens, electronic cigarettes, e- cigarettes, e-cigs, and e-pipes, which produce an “e-liquid” which may contain nicotine as well as other compositions. ENDS includes, but is not limited to, ENDS and their components and parts regulated by the Federal Drug Administration, under rules set forth in the Federal Register, 81 FR 28973

Section 2. A copy of Prohibited Possession of Vaping Device Products Under the age of 18 shall be kept on file in the Office of the City Administrator, preserved in loose-leaf form or in such other form as designated by the City Administrator or person authorized by the City Administrator, and said person shall insert in their designated places all amendments, ordinances or resolutions, which indicate the intention of the Common Council to make the same a part of the Municipal code when the same have been printed or reprinted in page form, and to extract from the Municipal code all provisions, which may be repealed from time to time by the Common Council. This copy of the Code shall be available for all persons desiring to examine it.

Section 3. If this ordinance conflicts with any other ordinances or parts of ordinances, to the extent of such conflict, this ordinance shall control in all matters related to “**Prohibited Possession of Vaping Device Products Under the age of 18.**”

Section 4. This ordinance shall become effective upon due notice and publication as required by law.

Passed, Approved and Adopted by the Prescott City Council on this ____ day of February, 2019

Pursuant to Section 66.035, Wis. Stats.

David B. Hovel, Mayor

ATTEST:

Jayne M. Brand
City Administrator/Clerk

Introduced:
Adopted:
Published:
Effective: