

**Legistar File No. 84640 Body**

DRAFTER'S ANALYSIS: This amendment adds electronic vaping devices to the current ordinance licensing cigarettes and tobacco products. This ordinance is being updated to be consistent with State law which has changed to include municipal licensing of electronic vaping devices.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Section 9.09 entitled "Cigarette License" of the Madison General Ordinances is amended as follows:

**"9.09 CIGARETTE TOBACCO, AND ELECTRONIC VAPING LICENSE.**

(1) Definitions. For purposes of this section, the following definitions apply:

"Cigarette" has the meaning set forth in Wis. Stat. § 139.30.

"Electronic vaping device" has the meaning set forth in Wis. Stat. § 134.65(1a)(b).

"Person" means an individual, partnership, firm, company, limited liability company, corporation, whether tenant, owner, lessee, licensee, franchisee, or their agent, heir or assigns.

"Tobacco products" has the meaning set forth in Wis. Stat. § 139.75.

- (2) It shall be unlawful for any person, in any manner, directly or indirectly, upon any pretense or by any device, to manufacture, to directly or indirectly sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, ~~or~~ tobacco products, or electronic vaping devices in the City of Madison without first obtaining a license, ~~therefor, as hereinafter provided.~~
- (3) License for the manufacture, sale, exchange, barter, disposition of or giving away or keeping for sale of cigarettes, ~~or~~ tobacco products, or electronic vaping devices in the City of Madison shall be issued by the City Clerk. Every such license shall be issued on the first (1st) day of July in each year or thereafter whenever applied for and shall continue in force from date of issuance until the succeeding thirtieth (30th) day of June, unless sooner revoked for a violation of this section ~~as herein provided.~~
- (4) Every person desiring a license under this section shall file with the City Clerk a written application ~~therefor~~ stating the name of the person and the place for which such license is desired. Every license shall be signed by the City Clerk and shall name the licensee and the place ~~wherein he or she is~~ where they are authorized to conduct such business, ~~and the same shall not be delivered until the applicant shall produce and file with such Clerk a receipt showing the payment of the license fee. The Clerk must not deliver the license until the applicant has produced and filed a receipt showing the payment of the license fee with the Clerk.~~
- (5) Fee.
- (a) Pursuant to Wis. Stat. § 134.65, the license fee shall be one hundred dollars (\$100) payable to the City Treasurer.
- (b) A nominal portion of the fee shall be used for the administration of the licensing process. The balance shall be used for the enforcement of the youth access to

tobacco compliance check program, enforcement of this section, and education of licensees.

- (c) Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of twenty-five percent (25%) of the license fee. License fees that are not renewed by July 31 of each year shall be subject to a late fee of fifty percent (50%) of the license fee. Payment of the late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failure to possess or obtain a license.
- (6) Any person violating any of the provisions of this section may be subject to a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for the first offense and not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200) for the second or subsequent offense; and each day when any cigarettes, or tobacco products, or electronic vaping devices are manufactured, sold or disposed of within the City of Madison without a license having been issued therefor shall be a separate offense.”

2. Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations and Complaints for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by amending therein the following:

<u>“Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit *</u>
Cigarette/ <u>tobacco/vape</u> license required	9.09	\$50”