

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

MEMORANDUM

To: Plan Commission

From: ACA John Strange

Re: Tobacco Retailer Zoning Ordinance

Date: May 1, 2015

Since drafting the Tobacco Retailer Zoning Ordinance I've had the opportunity to talk with tobacco specialists with Public Health Madison Dane County. During these discussions I noted two provisions of the draft law that should be eliminated because they arguably conflict with state law. Specifically, state law states that local governments may not regulate self-service displays. Furthermore, state law allows individuals under the age of 18 to sell tobacco if they are employed by the business selling the tobacco. Accordingly, I believe subsections (c) and (e) should not be included in the final draft of the ordinance. If so recommended by the Plan Commission, I will prepare a substitute ordinance reflecting these changes for approval at Common Council.