



Legislation Text

File #: 01304, Version: 2

**Fiscal Note**

No appropriation is required. There is no anticipated impact upon cost controls or the tax levy.

**Title**

SUBSTITUTE - Amending Section 23.05 of the Madison General Ordinances to create a definition of a tobacco bar and to create an exception to permit smoking in tobacco bars.

**Body**

DRAFTER'S ANALYSIS: This amends MGO 23.05 to create a definition of tobacco bars and to create an exemption to allow smoking in tobacco bars.

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

1. Effective July 1, 2005, Subsection (1) entitled "Definitions" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is hereby amended by adding therein the following: "Tobacco bar" means a tavern, which generates ten percent (10%) or more of its total annual gross income from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines."
2. Effective July 1, 2005, Subdivision (g) of Subsection (7) entitled "Exceptions" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is hereby created as follows:
  - "(g) Tobacco bar, subject to the following:
    1. The tobacco bar was in existence on January 1, 2003;
    2. The tobacco bar has remained at the same physical location and has not expanded its premises since January 1, 2003;
    3. Ten percent (10%) or more of the tobacco bar's total gross income from 2004 fiscal year, and every year thereafter, was from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines;
    4. To qualify for this exemption the owner must file the proper paperwork with the City Clerk's Office verifying the tobacco bar's total gross income and the percentage of tobacco product sales from the tobacco bar. Upon proper application the prohibition of smoking shall be held in abeyance until either the application is granted or denied.
    5. This exemption is only in effect from the date of application until June 30th of each year. An application for this exemption must be made annually by June 30th of the application year. To qualify for an annual exemption the tobacco bar must provide documentation that ten percent (10%) or more of the tobacco bar's total gross income from the preceding year was from the on-site sale of tobacco products and the rental of on-site humidors, not including any sales from vending machines."