

Ordinance 0005-25 – Cigarette, Electronic Vaping Devices and Tobacco Products Retailers

An ordinance to amend Chapter 22, Article IX, Cigarette and Tobacco Products Retailers, Municipal Code of the City of Racine, Wisconsin.

Part 1: The title of Article IX, Chapter 22 of the Municipal Code is amended from “Cigarette and Tobacco Products Retailers” to “Cigarette, Electronic Vaping Devices and Tobacco Products Retailers.”

Part 2: Section 22-291 of the Municipal Code is amended by deleting the first sentence and recreating it to read, “The provisions of Wis. Stat. §§ 134.65 and 134.66 relating to licenses for cigarette, electronic vaping devices, and tobacco products and regulations thereof, along with Wis. Stat. §§ 139.30 through 139.86 relating to cigarette and tobacco taxes are adopted as a portion of this article as far as may be applicable to the city” and updating the state law reference to read “Cigarette, electronic vaping devices, and tobacco products retailer license, Wis. Stat. § 134.65; Restrictions on sale or gift of cigarettes or nicotine or tobacco products, Wis. Stat. § 134.66; Cigarette taxes, Wis. Stats. §§ 139.30, et al.; Tobacco products tax, Wis. Stats. §§ 139.75, et al.”

Part 3: Section 22-292 is amended by inserting the words, “electronic vaping products,” in between the words “cigarettes,” and “or tobacco products,” and updating the state law reference to read, “Cigarette, electronic vaping devices, and tobacco products retail license, Wis. Stat. § 134.65; Cigarette tax, Wis. Stats. § 139.30 et al., Tobacco products tax, Wis. Stats. § 139.75 et al.”

Part 4: Subsection (a) of section 22-293 is deleted and recreated to read, “Application for a license or renewal of a license under this article shall be submitted to the city clerk and referred to the public safety and licensing committee. No license or renewal thereof may be issued until the common council approves such item. Licenses shall expire on June 30 of each year, unless sooner revoked.”, and updating the state law reference to read, “Cigarette, electronic vaping devices, and tobacco products retailer license, Wis. Stat. § 134.65.”

Part 5: Section 22-294 is deleted and recreated to read, “The fee for a license under this article shall be set forth in the fee schedule as established by the common council. If the premises to be licensed under this article is also a Class “B” or “Class B” establishment, a specific license fee set forth in the fee schedule as established by the common council shall apply. If the application for a renewal license is received by the city clerk after April 15 of any year, the applicant shall pay a late fee set forth in the fee schedule as established by the common council per license location.”

Part 6: Section 22-296 is amended by inserting the words “electronic vaping devices,” in between the word “cigarettes” and the words “and tobacco products.”

Part 7: Section 22-298 is amended by inserting the words, “any provisions under Wis. Stat. § 134.65(7)(a),” between the words “of this article,” and the words, “or any causes.”

Part 8: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City of Racine Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves, the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective, notwithstanding the objections of the mayor.