

ARTICLE IX. CIGARETTE AND TOBACCO PRODUCTS RETAILERS¹

Sec. 22-291. Statutory provisions adopted.

The provisions of Wis. Stat. §§ 134.65 and 134.66 relating to licenses for cigarette and tobacco products and 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. A violation of any such provisions ~~of Wis. Stat. § 134.65~~ shall constitute a violation of this article.

(Code 1973, § 22.29.010; Ord. No. 17-06, pt. 1, 5-24-06; Ord. No. 0020-19, pt. 1, 8-20-19)

State law reference(s)—Cigarette and tobacco products retailer license, Wis. Stat. § 134.65; Cigarette taxes, Wis. Stat. §§ 139.30, et al.; Tobacco products tax, Wis. Stat. §§ 139.75, et al.

Sec. 22-292. License—Required.

No person shall, in any manner, or upon any pretense, or by any device, directly or indirectly, sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes or tobacco products to any person not holding a license as provided in this article, or any other violations pursuant to permit as provided under Wis. Stats. §§ 139.30—139.4641 or 139.759—139.86, without first obtaining a license from the city clerk.

(Code 1973, § 22.29.020)

Sec. 22-293. Same—Application; term.

a) Application for a license or renewal of a license under this article shall contain truthful information and be made to the city clerk. Licenses issued under this article shall include the name of the licensee, shall specifically describe the premises where such business is to be conducted, and shall specify whether the applicant will sell, exchange, barter, dispose of, or give away the products over the counter or in a vending machine, or both. Licenses shall expire on June 30 of each year, unless sooner revoked.

a)b) A materially false statement or omission on any new or renewal license application under this article shall constitute grounds for denial, denial of renewal, suspension or revocation of a license.

(Code 1973, § 22.29.030; Ord. No. 0020-19, pt. 2, 8-20-19)

State law reference(s)—Cigarette and tobacco products retailer license, Wis. Stat. § 134.65.

Sec. 22-294. Same—Fee.

The fee for a license under this article shall be set forth in the fee schedule as established by the common council. Where the premises to be licensed under this article which is also licensed with either a "Class B" retail fermented malt beverages and intoxicating liquor license, or a "Class B" retail fermented malt beverages license, a

¹State law reference(s)—Cigarette and tobacco products retail license, Wis. Stats. § 134.65; cigarette tax, Wis. Stats. § 139.30 et seq.

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 in the city clerk's office after June 20 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.

(Code 1973, § 22.29.040; Ord. No. 15-98, pt. 1, 11-17-98; Ord. No. 5-02, pt. 1, 3-19-01; Ord. No. 0020-19, pt. 3, 8-20-19; Ord. No. 0028-19, pt. 35, 11-12-19)

Sec. 22-295. Same—Nontransferability.

Licenses issued under this article shall not be transferable from one person to another or from one premises to another.

(Code 1973, § 22.29.050)

Sec. 22-296. Records required.

Every licensee under this article shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. Such records shall be maintained on the licensed premises for two years, in such a manner as to ensure permanency and accessibility for inspection, and shall be subject to inspection at all reasonable hours by authorized state and local law enforcement officials.

(Code 1973, § 22.29.060)

Sec. 22-297. Penalty for violation of article.

- (a) Upon conviction, any person found to be in violation of this article shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense, and not less than \$25.00 nor more than \$200.00 for the second or subsequent violation within a two year period. If upon such second or subsequent violation the person so violating this article was personally guilty of a failure to exercise due care to prevent violation thereof, such person shall forfeit not less than \$25.00 nor more than \$300.00. Conviction of such second or subsequent violation shall immediately terminate the license of such person convicted of being personally guilty of such failure to exercise due care and the person shall not be entitled to another license under this article for a period of five years thereafter, nor shall such person during that period act as a servant or agent of a person licensed under this article for the performance of the acts authorized by such license.
- (b) Any person who knowingly provides materially false information in an application for a cigarette and tobacco products retailer license may be required to forfeit not more than \$1,000.00.

(Code 1973, § 22.29.070; Ord. No. 17-06, pt. 2, 5-24-06; Ord. No. 0020-19, pt. 4, 8-20-19)

State law reference(s)—Cigarette and tobacco products retailer license, Wis. Stat. § 134.65.

Sec. 22-298. Suspensions, Revocations, denials and denial of renewal applications.

- a) A conviction pursuant to section 66-697(a) of this Code A violation of any provisions of this article, or any causes under section 22-40 of this Code, shall constitute grounds for suspension, revocation, denial or denial of renewal. Prior to the suspension, revocation or denial of renewal of such license, a due process hearing shall be held as required in section 22-41 of this Code.
- ⇒b) Any person whose license has been denied, denied renewal, or revoked pursuant to this article shall not be entitled to another license for a period of 12 months thereafter, nor shall such person during that

period act as a servant or agent of a person licensed under this article for the performance of the acts authorized by such license.

Cross reference(s)—Same—Hearing, § 22-41.

Secs. 22-299—22-320. Reserved.