

Ordinance to amend subsections 12.06, 12.40 and 12.42 of the Revised Municipal Code relative to Tobacco Retailers definitions and requirements.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 12.06 of the Revised Municipal Code of the City of West Allis is hereby amended to include the following terms.

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Tobacco Paraphernalia. Tobacco paraphernalia means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines and any other item designed for the smoking or ingestion of tobacco products. Tobacco paraphernalia includes electronic cigarettes, personal vaporizers, electronic nicotine delivery systems or any item designed to atomize liquid solutions that simulate smoking.

Tobacco Products. Tobacco products means any substance containing any tobacco leaf, including but not limited to cigarettes, cigars, bidis, pipe tobacco, snuff, chewing tobacco and smokeless tobacco. Tobacco products include e-liquids such as propylene glycol, glycerin, nicotine, flavorings or other products for the use in electronic cigarettes, personal vaporizers or electronic nicotine delivery systems.

Tobacco Retailer. A tobacco retailer is any establishment that either devotes twenty percent (20%) or more of floor area or display area to the sale or exchange of tobacco products or tobacco paraphernalia.

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PART II. Subsection 12.40(1)(jj) of the Revised Municipal Code of the City of West Allis is hereby repealed.

PART III. Subsection 12.42(1)(ee) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

(1) Permitted Uses

* * *

(ee) Tobacco Retailers

1. No tobacco retailer shall be located within 1,000 feet of parcels occupied by the following uses:
 - a. A public or private kindergarten, elementary, junior high or high school;
 - b. Libraries;
 - c. Zoned parkland; or
 - d. Another tobacco retailer or establishment licensed to sell any tobacco product or tobacco paraphernalia as defined within 12.06.

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PART IV. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART V. This ordinance shall take effect and be in force from and after its passage and publication.

cc: Department of Development
Building Inspections and Neighborhood Services
City Attorney's Office

PASSED _____

APPROVED _____

Monica Schultz, City Clerk

Dan Devine, Mayor

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