

**CITY OF WEST ALLIS
ORDINANCE O-2024-0006**

**ORDINANCE TO ADOPT STATE LICENSING LAW REGARDING ELECTRONIC
VAPING DEVICE RETAILERS**

AMENDING SECTION 9.65 AND REPEALING SECTION 9.74

WHEREAS, 2023 Wisconsin Act 73 incorporated electronic vaping device sales into the state cigarette and tobacco products license effective March 6, 2024; and

WHEREAS, Wis. Stat. 134.65(8) says the "uniform licensing of cigarette , electronic vaping devices, and tobacco products retailers is a matter of statewide concern"; and

WHEREAS, the City may adopt an ordinance licensing electronic vaping device sales only if the ordinance strictly conforms to state law; and

WHEREAS, the City's local license regulating nicotine product sales is superseded by state law as of March 6, 2024, and the common council seeks to conform the local regulations of electronic vaping devices to the new state law;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** "9.65 Cigarette And Tobacco Products Retailer" of the City Of West Allis Municipal Code is hereby *amended* as follows:

AMENDMENT

9.65 Cigarette, Electronic Vaping Devices, And Tobacco Products Retailer

1. License Required. [Wis. Stat. 134.65\(1d\)](#) is adopted.
2. Exceptions. (Reserved)
3. Application Process. The application process in [Wis. Stat. 134.65\(2\)\(a\)](#) is adopted.
4. Regulations. The regulations in [Wis. Stat. 134.65](#) are adopted.
5. Discipline Process. The discipline process in [Wis. Stat. 134.65\(5\)](#) is adopted.

SECTION 2: **REPEAL** "9.74 Nicotine Products Retailer" of the City Of West Allis Municipal Code is hereby *repealed* as follows:

REPEAL

~~9.74 Nicotine Products Retailer (Repealed)~~

1. License Required. No person may 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 to any person any nicotine products, as defined in [Wis. Stat. 134.66\(1\)\(f\)](#), or any item designed or used for the inhalation of nicotine products without first obtaining a nicotine products retailer license.
2. Exceptions. (Reserved)
3. Application Process. The application process in [WAMC 9.50](#) is adopted.
4. Regulations
 - a. Vending Machines and Self-Service Displays. No licensee shall sell, give, furnish, or cause to be sold, given, or furnished any nicotine products or any item designed or used for the inhalation of nicotine products by use of a vending machine or self-service display unless minors are not allowed to enter the premises at any time.
5. Discipline Process. The discipline process in [WAMC 9.51](#) is adopted.

SECTION 3: **EFFECTIVE DATE** This Ordinance shall be in full force and effect on and after March 6, 2024.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Ray Turner	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor, City Of West
Allis