File #: R-2010-0017, **Version:** 2

Resolution to impose a moratorium in the C-1, Downtown Central Business District, on tobacco stores that openly display, make available for sale instruments used for inhaling tobacco, that sell sex or marital aides.

WHEREAS, the City of West Allis Zoning Ordinance currently permits retail stores that sell and display tobacco and instruments used for inhaling tobacco, that sell sex or marital aides in accordance with Chapter 12 of the Municipal Code.   These establishments are also regulated under sections 6.026 Instruments Used for Inhaling and 9.28 Adult Orientated Business; and,

WHEREAS, the Department of Development is preparing a proposed ordinance to amend the terms, conditions and restrictions under which such commercial uses may be granted in the C-1, Downtown Central Business District; and,

WHEREAS, it is in the City's interest to put all current and further applications for new tobacco stores and other similar specialty commercial business that openly display, make available for sale instruments used for inhaling tobacco, that sell sex, marital aides or toys as these uses may be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood, or the community at large. Retail operations that sell prescription drugs are exempt from this moratorium.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that a moratorium be imposed on the granting and issuing of all aforementioned license and permits in the C-1, Downtown Central Business District for a period of 90 days.

BE IT FURTHER RESOLVED that the moratorium may be extended by the Common Council for up to an additional 90 day period if review of the proposed ordinance is still pending.

BE IT FURTHER RESOLVED that said moratorium shall not apply to renewal applications for the same address as long as the location of the establishment remains the same.

Cc: City Attorney
        Department of Development

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