

Town of Winchester, Vilas County
Ordinance #2018-04
Tobacco

1) LICENSE REQUIRED

No person, firm or corporation shall in any manner, directly or indirectly, upon any premises or by any device, set, exchange, barter, dispose of, or give away or keep for sale any cigarette, cigarette paper, or cigarette wrappers, or any substitute therefor, including any nicotine products, without first obtaining a license as in hereinafter provided.

2) APPLICATION FOR LICENSE

Every person, firm or corporation desiring a license under this chapter shall file with the Town Clerk/Treasurer a written application therefor, stating the name of the person and the place for which such license is desired. Each license shall be filed by the Town Clerk/Treasurer and shall name the licensee and the place wherein he/she is authorized to conduct such business, and the same shall not be delivered until the applicant shall pay to the Town Clerk/Treasurer a license fee as set by the Town Board.

3) ISSUANCE AND TERM OF LICENSE

Licenses for sale, exchange, barter, disposition of, or giving away or keeping for sale of cigarettes, cigarette paper or cigarette wrappers or any substitute therefor shall be issued by the Town Clerk/Treasurer. Each license shall be issued on the first day of July in each year, or thereafter whenever applied for, and shall continue in force from date of issuance until the succeeding June 30, unless sooner revoked for any violation of this article.

4) RESTRICTIONS

- a) No retailer, manufacturer, jobber or sub jobber, no agent, employee or independent contractor of a retailer, manufacturer, jobber or sub jobber, and no agent or employee of an independent contractor may sell or provide for nominal or no consideration cigarettes or tobacco products to any person under the age of eighteen (18) years. A vending machine operator is not liable under this subsection for the purchase of cigarettes or tobacco products from her or his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase..
- b) No retailer, manufacturer, distributor, jobber or sub jobber, no agent, employee or independent contractor of a retailer, manufacturer, distributor, Jobber or sub jobber, and no agent or employee of an independent contractor may provide for nominal or no consideration cigarettes or tobacco products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or legal guardian or by his or her spouse who has attained the age of 18 years.
- c) A retailer shall post a sign in areas within her or his premises where cigarette or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section.

- b) A vending machine operator shall attach a notice In a conspicuous place on the front of her or his vending machines stating the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful.
- c) A retailer or vending machine operator may not sell cigarettes or tobacco products from a vending machine unless vending machine is located in a place where the retailer or vending machine operator ensures that no person younger than 18 years of age is present or permitted to enter unless he or she is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years.
- f) No retailer may place a vending machine within five hundred (500) feet of a school.

5) VIOLATIONS AND PENALTIES

- a) In addition to the revocation, suspension or nonrenewal of any license issued under this chapter, any person found to be in violation of any provision of this chapter shall be subject to a penalty.
- b) Penalties: A violation of this ordinance, or any provision thereof, shall be punishable by a forfeiture of not more than \$200.00 for each violation, or not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) if the person has committed a previous violation within twelve (12) months of the violation, plus court costs and/or any other allowable legal expenses incurred by the Town of Winchester.
- c) Suspension: The Town of Winchester shall suspend any license or permit issued under Sec 134.65,13934 or 139.79, Wis. Stats., to a person for:
 - (1) Not more than 3 days, if the Town of Winchester finds that the person committed a violation within 12 months after committing one previous violation.
 - (2) Not less than 3 days nor more than 10 days, if the Town of Winchester finds that the person committed a violation within 12 months after committing 2 other violations; or
 - (3) Not less than 15 days nor more than 30 day, if the Town of Winchester finds that the person committed the violation within 12 months after committing 3 or more other violations.

6) SEVERABILITY AND LIABILITY

Should any section, clause or portion of this ordinance be adjudged unconstitutional or invalid by a court of competent Jurisdiction, the remainder of this ordinance shall not be affected thereby.

7) EFFECTIVE DATE

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this _____ day of