

**Ordinance No. 5-24-776
Monona Common Council**

**IMPOSING A TEMPORARY MORATORIUM ON THE RECEIPT OF APPLICATIONS
OR ISSUANCE OF PERMITS OR APPROVALS FOR ELECTRONIC SMOKING
RETAILERS**

WHEREAS, the Common Council finds the availability and use of electronic smoking devices may have harmful impacts on the welfare of City of Monona residents; and

WHEREAS, the City staff have raised concerns that a proliferation of establishments selling electronic smoking devices or electronic smoking device paraphernalia, particularly when concentrated geographically, can have a negative impact on public health, safety and welfare. Therefore, the Common Council finds that an in-depth examination of its regulations for establishments selling electronic smoking devices or electronic smoking device paraphernalia is timely and necessary. For that purpose, a temporary moratorium on the receipt of applications for, and issuance of occupancy permits, site plan approval, zoning permits and building permits for electronic smoking retailers is deemed appropriate.

NOW, THEREFORE, the Common Council of the City of Monona, Dane County, Wisconsin, do ordain as follows:

SECTION 1. Moratorium Imposed. A temporary moratorium on the receipt of applications for, and issuance of occupancy permits, site plan approval, zoning permits and building permits for electronic smoking retailers is hereby established. The moratorium shall be imposed immediately on the effective date of this ordinance and shall terminate 180 days thereafter, or upon approval or final rejection of an ordinance regulating electronic smoking retailers, whichever occurs earlier.

SECTION 2. Pending Permit Applications. An complete application, including payment of all appropriate fees, for any of the above listed permits or approvals for an electronic smoking retailer that has been submitted prior to the effective date of this ordinance shall be reviewed pursuant to the ordinances in place at the time of application, subject to the requirements and limitations of § 66.10015, Wis. Stats.

SECTION 3. Definitions. The following definitions shall apply with respect to this ordinance:

ELECTRONIC SMOKING DEVICE

An electronic device that can be used to deliver an inhaled dose of nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. It includes any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, commonly known as e-cigarettes; an electronic cigar; an electronic cigarillo; an electronic pipe; an electronic hookah; vape pen; or any other product name or descriptor.

ELECTRONIC SMOKING DEVICE PARAPHERNALIA

A cartridge, cartomizer, e-liquid, smoke juice, tip, atomizer, electronic smoking device battery, electronic smoking device charger, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices. It does not include any cigarette, as defined in § 139.30(1m) Wis. Stats., nicotine product, as defined in § 134.66(1)(f), Wis. Stats., or tobacco products, as defined in § 139.74(12), Wis. Stats.

ELECTRONIC SMOKING RETAILER

An establishment selling electronic smoking devices or electronic smoking device paraphernalia that has 10 percent or more of the establishment's floor space dedicated to, or more than 10 percent of the establishment's stock-in-trade consisting of, electronic smoking devices or

electronic smoking device paraphernalia.

SECTION 4. Enforcement.

(a) The City code enforcement officer and any police officer shall have the authority to inspect any electronic smoking retailer during operating hours and to enforce the provisions of this section.

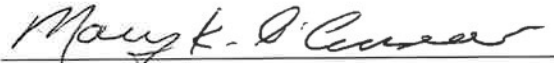
(b) Failure of an establishment to comply with the requirements of this section may constitute grounds for the suspension, revocation or nonrenewal of licenses issued by the City to operate the establishment and forfeitures as set forth in section 1-4 of the Code of Ordinances.

SECTION 5. Promptly after the effective date of this ordinance, the Plan Commission and Public Safety Committee shall study the effects on the City of electronic smoking retailers and prepare a joint report to the Common Council to include recommendations for amendments to the Code of Ordinances, if any, deemed appropriate to address those effects. Prior to forwarding any report to the Common Council, the Plan Commission shall hold a public hearing for input regarding any proposed amendments to the Code of Ordinances as required by law.

SECTION 6. This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 6 day of May, 2024.

BY ORDER OF THE COMMON COUNCIL



Mary K. O'Connor
Mayor

ATTEST:



Alene Houser
City Clerk

Requested By: Neil Stechschulte, City Administrator – 5/1/24
Drafted By: William S. Cole, City Attorney – 5/3/24
Approved As To Form By: William S. Cole, City Attorney – 5/3/24

Council Action:

Date Introduced: 5-6-24

Date Approved: 5/6/24