

ORDINANCE NO. 25-01

AN ORDINANCE TO AMEND THE MUNICIPAL CODE §445-2.2 USE REGULATIONS, TO CREATE §445-2.2E. USES NOT PERMITTED, TO NOT PERMIT SALE, GIFT, TRANSFER OR ANY OTHER CONVEYANCE OF CIGARETTES, ELECTRONIC VAPING DEVICES, OR NICOTINE OR TOBACCO PRODUCTS USES, BEYOND THOSE CURRENTLY EXISTING, AND TO CREATE ARTICLE V. SALE, GIFT, TRANSFER OR ANY OTHER CONVEYANCE OF CIGARETTES, ELECTRONIC VAPING DEVICES, OR NICOTINE OR TOBACCO PRODUCTS LICENSES LIMITED TO THOSE IN EFFECT UPON FEBRUARY 10, 2025 OF CHAPTER 365 SMOKING AND TOBACCO PRODUCTS

WHEREAS, the Village Health Officer having reviewed the Municipal Code with regard to the regulation of the sales of cigarettes, electronic vaping devices, and tobacco products and potential changes thereto, and having noted that the existing thirteen licensed establishments providing for such sales was already beyond what had been planned, and that further additions to such licensed sales was not in the interest of public health and should not occur, and having reviewed such potential change with a Special Agent with the Alcohol & Tobacco Enforcement Unit of the Wisconsin Department of Revenue; and

WHEREAS, following such review, the Village Health Officer recommends changes to not allow for additional licenses to be issued for the subject sales, and that the existing licenses shall remain in effect as legal nonconforming uses, subject to the laws applicable thereto, which recommendations were given the approval by the State Special Agent; and

WHEREAS, a public hearing was held upon the amendment to the §445-2.2 Use regulations, of the Municipal Code zoning regulations on February 10, 2025, and following same the Village Board having considered the recommendation to not allow for additional licenses to be issued for the subject sales, and that the existing licenses shall remain in effect as legal nonconforming uses, subject to the laws applicable thereto, and the Village Board having determined same to be in the public interest and serving the health, safety and welfare of the Community.

NOW, THEREFORE, the Village Board of the Village of Hales Corners, Wisconsin, do ordain as follows:

SECTION 1: §445-2.2 Use regulations, of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to create and add an E. Uses not permitted., to read as follows:

E. Uses not permitted. Sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products

uses are not permitted as a permitted use, conditional use, accessory use or any other allowable use. Such uses existing upon the effective date of this subsection E., [*effective date hereof following adoption*], shall remain in effect as legal nonconforming uses, subject to the laws applicable thereto.

SECTION 2: Chapter 365 Smoking and Tobacco Products, of the Municipal Code of Hales Corners, Wisconsin, is hereby amended to create and add an Article V., to read as follows:

Article V. Sale, Gift, Transfer or any Other Conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or Tobacco Products Licenses

§365-14. Sale, Gift, Transfer or any Other Conveyance of Cigarettes, Electronic Vaping Devices, or Nicotine or Tobacco Products Licenses Limited to Those in Effect Upon February 10, 2025

Sale, gift, transfer or any other conveyance of cigarettes, electronic vaping devices, or nicotine or tobacco products uses are not permitted uses pursuant to §445-2.2E. of this Municipal Code, and no licenses shall be granted for such uses, except for those licensed uses existing upon February 10, 2025, which existing licenses shall be regulated pursuant to the laws and regulations for such licensed uses, and also pursuant to the laws applicable to legal nonconforming uses.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

PASSED and ADOPTED this 10th day of February, 2025.




Daniel J. Besson, Village President

Countersigned:

Sandra M. Kulik, Administrator/Clerk