

CHAPTER 3

Cigarette, Tobacco, and Electronic Vaping Devices License; Soda Water Beverage License

<i>Section Number</i>	<i>Title</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
7-3-1	Cigarette, Tobacco, and Electronic Smoking Devices license.	2001-16 2022-12 2024-03	12/4/01 07/11/22 04/23/24
7-3-2	Licensing Sale of Nonintoxicating Beverages	2008-07 2022-12	08/05/08 07/11/22
7-3-3	Repealed	2022-12	07/11/22

SEC. 7-3-1 CIARETTE, TOBACCO, AND ELECTRONIC SMOKING DEVICES LICENSE.

- (a) Definitions.
- (1) "Cigarette" means any roll of tobacco wrapped in paper or any substance other than tobacco.
 - (2) "Cigarette products" means cigarette paper, cigarette wrappers, or any substitutes.
 - (3) "Electronic vaping device" means a device that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic vaping device" includes a component, part, or accessory of the device, and includes a liquid or other substance that may be aerosolized or vaporized by such device, regardless of whether the liquid or other substance contains nicotine. "Electronic vaping device" does not include a battery or battery charger when sold separately. "Electronic vaping device" does not include drugs, devices, or combination products authorized for sale by the U.S. food and drug administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
 - (4) "Tobacco products" means cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, including moist snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.
- (b) **License Required.** No person shall, in any manner, directly or indirectly, upon any premises, or by any device, sell, exchange, barter, dispose of, give away, or keep for sale, any cigarettes and cigarette products, tobacco products, and electronic vaping devices without first obtaining a license.
- (c) **Application for License; Fee.** Every person applying for a license under this section shall file a written application with the Village Clerk stating the name of the applicant and the name and address of the premise for which the license is requested. The applicant shall pay a license fee in an amount set by resolution of the Village Board from time to time.

- (d) **Issuance and Term of License.** A license under this Section will be issued by the Village Clerk unless the Clerk refers the application to the Village Board for denial or non-renewal as set forth in Section 7-3-1(e). Each license will be issued on the first day of July in each year, or from the date approved, if after July 1, and shall continue in force from the date of issuance until the succeeding June 30th unless revoked or suspended for any violation of this section.
- (e) **Revocation, Suspension, or Denial of License.** Any license issued under this Section may be suspended or revoked for cause by the Village Board after notice to the licensee and a hearing. Any application for a license under this Section be denied or non-renewed for cause by the Village Board after notice to the licensee and a hearing. "Cause" shall include, but is not limited to, the sale of illegal products such as products containing THC or other drugs, or other violations as set for in Wis. Stat. § 134.65(7). Notice and hearing on revocation, suspension, denial or non-reviewal shall be conducted in accordance with Wis. Stat. 134.65 (6)-(7).
- (f) **Penalty.**
 - (1) Any person who violates any of the provisions of this section shall, upon conviction, be subject to a forfeiture of not more than \$500 and, in default thereof, may be imprisoned as provided by law.
 - (2) Citations may be issued for all violations of this section with or without prior notice. The stipulation, forfeiture and court appearance amounts set forth in Section 1-1-6 shall apply to this Section.
- (g) **Statutory Provisions.** The provisions of Wis. Stats. §§ 134.65 and 134.66 and Chapter 139, regulating the use of tobacco products shall be adopted in this section.

SEC. 7-3-2 LICENSING SALE OF NONINTOXICATING BEVERAGES.

- (a) **License Required.** No person or corporation shall maintain, operate or conduct within the limits of the Village of Caledonia the business of selling non-intoxicating beverages as defined in Sec. 66.0433, Wis. Stat., either in retail or at wholesale, without first procuring a license so to do as provided in this Section.
- (b) **Application.**
 - (1) Application for such license shall be filed with the Village Clerk for the presentation to the Village Board at any regular or special meeting thereof. All such applications shall be accompanied by the fee fixed by Subsection (c) for such license.
 - (2) Such application shall contain questions as to what premises are to be licensed and whether the applicant is a person or corporation and, if it is a corporation, whether it is a domestic corporation, whether the applicant is a resident of the Village of Caledonia, whether the applicant has been convicted of a felony and, if so, whether he has been restored to civil rights.
 - (3) In the event applicant is a person not a resident of the Village of Caledonia, or if the applicant is not domestic corporation, or if the applicant has been convicted of a felony and has not been restored to civil rights, the license shall be denied per Sec. 66.0433(2), Wis. Stat.
 - (4) If the applicant meets the qualifications established in Sec. 66.0433(2), Wis. Stat.,

the Village Board shall further consider the character of the applicant, the proposed nature of conduct of the business, and the location of the premises to be licensed and, if satisfied that the granting of the license is not contrary to public interest, shall grant the license.

- (c) **Issuance; Fee.** Such license, when issued by the Village Clerk under the authority of the Village Board, shall entitle the holder thereof to engage in the business of selling nonintoxicating beverages at the premises mentioned in said license such to the limitations imposed by this section. The fee for such license shall be set by the Village Board by resolution from time-to-time but shall conform to the standards set forth in Sec. 66.0433(1), Wis. Stats. The full license fee shall be charged for the whole or fractional part of the year. No such license shall be transferable from one (1) person to another nor shall such license be transferable to any other location without the consent of the Village Board.
- (d) **Term; Expiration.** All licenses issued pursuant to the provisions of this Section shall expire on the 30th day of June next succeeding the date of issue.
- (e) **Display of License.** All persons granted licenses under this Section shall cause their license to be prominently displayed in their place of business.

SEC. 7-3-3 REPEALED.