TITLE VII

Chapter 34

MISCELLANEOUS LICENSES

34.01 Cigarette License
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34.01 RETAIL CIGARETTE, TOBACCO PRODUCTS, AND ELECTRONIC VAPING DEVICES.

(1) License and regulation

(a) Required. Pursuant to the Wis. Stat. § 134.65, no persons shall in any manner, or upon any pretense or by any device, directly or indirectly sell, expose for sale, possess with intent to sell, exchange, barter, dispose of or give away any cigarettes, tobacco products, and electronic vaping devices to any person without first obtaining a retail license from the City Clerk, as hereinafter provided.

(b) Applications: A written application shall be filed with the City Clerk on forms as required by the Department of Revenue. Each application shall include the name of the proposed licensee, a specific description of the premises where such business is to be conducted, and whether the licensee will sell the cigarette, tobacco products, or electronic vaping devices over the counter or from a vending machine.

(c) Year and fee. Each license shall be for the period of July 1 of each year or when applied for and continue in force until the following June 30 unless sooner revoked. The fee for the license shall be in the amount established by resolution, which shall be paid to the City Clerk before the license is issued.

(d) The City adopts the provisions of Wis. Stat. 134.65 and 134.66 regarding licenses and restrictions on the sale or gift of cigarettes or nicotine or tobacco products.

(2) Records. Every licensed retailer under this article shall keep complete and accurate records of all purchases and receipts of cigarettes, tobacco products, and electronic vaping devices. Such records shall be preserved on the licensed premises for two years in such a manner as to ensure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized State and local law enforcement officials.

(3) Penalties. Any person violating the provisions of this article may be subject to a forfeiture of not more than $500.00 nor less than $50.00 for the first offense and not more than $500.00 nor less than $200.00 for the second or subsequent offense. If, upon such second or subsequent violation, the person so violating this article was personally guilty of failure to

exercise due care to prevent violation thereof, the person shall be subject to a forfeiture of not more than $500.00 nor less than $250.00 plus costs and disbursements. Conviction shall immediately terminate the license of the person convicted of being personally guilty of such failure to exercise due care and the person shall not be entitled to another license under this article for a period of five years thereafter, nor shall the person in that period act as the servant or agent of a person licensed hereunder for the performance of the acts authorized by such license.

34.02 VENDING MACHINES.

Vending machines shall be regulated and be subject to the provisions of Section 31.02 of these ordinances, as if said vending machines met the definition of amusement device as set forth in Chapter 31.

34.03 GAME ESTABLISHMENTS.

(1) Game establishments, such as pool halls, billiard rooms, bowling alleys and the like, shall be subject to licensure by the City.

(2) By resolution of the Council, license requirements shall be consistent with the licensing of amusement arcades, Chapter 31, except that the provisions relating to hours of operation (Section 31.04) shall not apply. The Council may by resolution, adopt other restrictions as it relates to hours of operation and other conduct of business.

34.04 EXTERIOR HEATING FACILITIES

(1) This ordinance is enacted to regulate the installation and utilization to exterior heating facilities. An exterior heating facility is a self-contained heating device located outside of and providing heat to a residence or other building.

(2) Any person intending to construct, erect or install an exterior heating facility shall submit an application for permit to the Building Inspector.

(3) The exterior heating facility shall only be erected in residential zones within the City. The minimum setbacks for such exterior heating facilities shall be no less than fifteen feet (15′) from the rear property line and no less than ten feet (10′) from the side property line. No exterior heating facility shall be located within twenty-five feet (25′) of another structure. No exterior heating facility shall be erected in front of any residence.

(4) The exterior heating facility shall be completely enclosed with a substantial fence. The fence is to be secure to provide safety and to protect against children or others coming in contact with the facility, as per Ordinance 46.07 (or as amended therefrom).

(5) In the storage of fuel for the exterior heating facility, in whatever form, shall be arranged in such a manner so as not to become a nuisance. Such fuel storage may be within the enclosure described in Sections (3) and (4).

34.05 PENALTIES

Any person violating this ordinance shall be subject to a forfeiture of not less than $50.00, nor more than $250.00, for each offense. Failure to pay the forfeiture, upon conviction, will result in the issuance of a Civil Commitment Order.

34.06 DELINQUENT PERSONAL PROPERTY TAXES, SPECIAL ASSESSMENTS, FORFEITURES, LICENSE FEES, OR ANY OTHER OBLIGATION

No license or permit shall be granted for any premises for which personal property taxes, special assessments, forfeitures, license fees, or any other obligation due to the City of Blair, is/are delinquent and unpaid, or to any person or entity delinquent in the payment of any of the same.

August 12, 2013 – repeal and recreate Section 34.01(5)
June 14, 2023- created Section 34.06
August 16, 2023- amended Section 34.01(4) and 34.04(2) and (5)
April 23, 2025 – repeal and recreate Section 34.01