



Staff Report

File #: 25-0895

Agenda Date: 7/22/2025

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Ordinance amending Section 24 of the Wauwatosa Municipal Code to regulate locations of cigarette, tobacco and electronic vaping device sales businesses

The Common Council of Wauwatosa do ordain as follows:

Part I. The table in Sec 24.07 of the Wauwatosa Municipal Code of Ordinances is hereby amended by amending the “Cigarette, Cigar, Tobacco” label to read as: “Cigarette, Cigar, Tobacco, Vape, or E-Cigarette Store”, by deleting the designation “C” under categories C1 and C2 and Mid-Mix, by adding the designation “C” under the categories M1 and M2, and adding the reference to “24.09.120” under the “USE REGULATIONS” column.

Part II. Subsection T. within the “Commercial Use Category” section of the Wauwatosa Code Section 24.08.040 is hereby amended in its entirety to read as follows:

(T) Retail Sales. Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores and apparel stores.

1. Cigarette, Cigar, Tobacco, Vape, or E-cigarette Store. Businesses primarily involved in the sale of cigarettes, cigars, tobacco products, vaping products, or smoking material or equipment. This includes products or materials intended to vape or smoke tetrahydrocannabinols or synthetic cannabinoids. This does not include businesses that sell cigarettes, cigars or tobacco products as an ancillary part of an allowed retail use.

2. Cigarette, Tobacco Product, Vape, or E-cigarette Sales (ancillary). Cigarette & tobacco product sales are considered ancillary if such products occupy no more than 10% of the available retail floor space of the premises and if such sales account for no more than 10% of the gross sales receipts of the business.

Part III. The Wauwatosa Code Section 24.09.120 is hereby amended by creating the following subsection:

24.09.120: Cigarette, Cigar, Tobacco, Vape, or E-cigarette stores:

A. Purpose: The purpose of this section is to regulate the location and operation of Cigarette, Cigar Tobacco, Vape, or E-cigarette Store within the City of Wauwatosa to minimize potential public health risks, particularly to minors, and to maintain the safety and welfare of the community. This ordinance is designed to ensure that Cigarette, Cigar Tobacco, Vape, or E-cigarette stores are not located in close proximity to sensitive uses such as daycares, schools, and parks, which are frequented by children and young individuals.

B. Conditional Use Permit: Cigarette, Cigar, Tobacco, Vape, or E-cigarette stores require approval of a Conditional Use Permit where permitted in accordance Table 24.07.030.

C. Prohibited Location: No Cigarette, Cigar, Tobacco, Vape, or E-cigarette Store shall be located within 1,000 feet of any of the following:

- a. Daycare centers
- b. Public or private schools, grades K-12
- c. Public parks

D. Concentration: No Cigarette, Cigar Tobacco, Vape, or E-cigarette Store shall be located within 1 mile of another Cigarette, Cigar Tobacco, Vape, or E-cigarette Store.

E. Measurement: Distance for Sections 24.09.120.C and 24.09.120.D shall be measured in a straight line from the property boundary of the Cigarette, Cigar Tobacco, Vape, or E-cigarette Store to the property boundary of the daycare, school, or park.

F. Signage Plan: As part of the Conditional Use Permit application process, a sign plan must be submitted for review and approval. The plan shall include:

- a. The proposed design, size, and location of all signage on the premises.
- b. Content of the proposed signage, which must comply with City sign regulations and must not include any content that promotes vaping to minors.
- c. Signage must clearly display age restrictions and any health warnings required by law.
- d. No signage is allowed within 3 feet of ground level.
- e. Any other information as required from the Zoning Administrator.

Part IV. This ordinance shall take effect on and after its date of publication.

By: Choose an item.

Recommendation: Click or tap here to enter text.