

Application for Cigarette and Tobacco Products License

MUNICIPAL USE ONLY

Applicant's Wisconsin 15-digit Sales Tax Account Number

← This must be issued in the same Legal Name of the licensee below.

License Number
Period Covered
Date of Issuance

Legal Name (corporation, limited liability company, partnership or sole proprietorship)			Federal Employer Identification No. (FEIN)	
Trade or Business Name (if different than Legal Name)			Telephone Number ()	
Business Address (Permit Location)		Business Located In <input type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Town		Business Telephone ()
City	State	ZIP Code	County	
Mailing Address (if different than Business Address)			City	State ZIP Code

Organization (check one)

- Sole Proprietor Wisconsin Corporation – Enter date incorporated: _____
- Partnership Out-of-State Corporation – Are you registered to do business in Wisconsin? YES NO
- Other (describe) _____

- YES NO 1. Does the applicant understand that they must purchase cigarettes only from manufacturers, distributors or jobbers who hold a permit with the Wisconsin Department of Revenue?
- YES NO 2. Does the applicant understand that they must obtain a Tobacco Products Distributor permit if purchasing untaxed tobacco products from an out-of-state company? (Tobacco Products Distributor permit is available from the Wisconsin Department of Revenue at 608-261-6435.)
- YES NO 3. Does the applicant understand that they cannot purchase/exchange cigarettes or tobacco products from another retailer, including transferring existing stock to a new owner?
- YES NO 4. Does the applicant understand that they must provide employees with tobacco sales training approved by the Wisconsin Department of Health and Family Services? (SmokeCheck.org)
- YES NO 5. Does the applicant understand that they may not sell, give or otherwise provide cigarettes/tobacco products to minors?
- YES NO 6. Does the applicant understand that they may not sell single cigarettes?
- YES NO 7. Does the applicant understand that cigarette and tobacco products invoices must be kept on the licensed premises for two years from the date of the invoice and be available for inspection by the Wisconsin Department of Revenue/law enforcement and that failure to comply can result in criminal penalties, including loss of cigarettes/tobacco products?
- YES NO 8. Does the applicant understand that only cigarettes and roll-your-own (RYO) tobacco products listed on the Wisconsin Department of Justice's website labeled "Directory of Certified Tobacco Manufacturers and Brands" at www.doj.state.wi.us/dls/tobacco/index.html may be sold in Wisconsin?

Cigarettes / Tobacco will be sold over counter through vending machine both

READ CAREFULLY BEFORE SIGNING: Under penalty provided by law, the applicant states that each of the above questions has been truthfully answered to the best of the knowledge of the applicant. Applicant agrees to operate this business according to law and that the rights and responsibilities conferred by the license(s), if granted, cannot be assigned to another.

Any lack of access to any portion of a licensed premises during inspection will be deemed a refusal to permit inspection. Such refusal is a misdemeanor and grounds for revocation of this license.

SUBSCRIBED AND SWORN TO BEFORE ME _____ (Officer of Corporation/Member/Manager of Limited Liability Company/Partner/Individual)

this _____ day of _____, 20 _____

(Clerk / Notary Public)

My commission expires _____

Chapter 5.30

CIGARETTE AND TOBACCO PRODUCTS RETAILER LICENSE

Sections:

- 5.30.010 Definitions.
- 5.30.020 License required.
- 5.30.030 Fees.
- 5.30.040 License regulations.
- 5.30.050 Penalties.

5.30.010 Definitions. (a) Cigarette shall have the meaning provided in section 9.04.022(1)(a).

(b) Identification card shall have the meaning set forth in Section 134.66(1)(c) of the Wisconsin Statutes.

(c) Retailer means any person required to be licensed under section 5.30.020.

(d) Tobacco products shall have the meaning provided in section 9.04.022(a).

(e) Vending machine shall have the meaning given in Section 139.30(14) of the Wisconsin Statutes.

(f) Vending machine operator shall have the meaning given in Section 139.30(15) of the Wisconsin Statutes. (Ord. 61-4883 „1(part), 1995.)

5.30.020 License required. No retailer 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 or tobacco products to any person not holding a license as herein provided or a permit under Sections 139.30 to 139.44 or Section 139.79 of the Wisconsin Statutes, without first obtaining a license from the city clerk. (Ord. 61-4903 „1(part), 1995; Ord. 61-4883 „1(part), 1995.)

5.30.030 Fees. The fee for the license shall be as provided for in section 5.04.010 of this code, which shall be paid to the city treasurer before the license is issued. (Ord. 61-5015 „1, 1998; Ord. 61-4883 „1(part), 1995.)

5.30.040 License regulations. (a) Each license shall name the licensee and specifically describe the premises where such business is to be conducted. Such license shall not be transferable from one person to another nor from one premises to another.

(b) Every licensed retailer shall keep complete and accurate records of all purchases and receipts of cigarettes and tobacco products. Such records shall be preserved on the licensed

premises for two years in such a manner as to insure permanency and accessibility for inspection and shall be subject to inspection at all reasonable hours by authorized law enforcement officials.

(c) No licensed retailer, or the agent or employee thereof, may sell or give cigarettes or tobacco products to any person under the age of eighteen, except as provided by section 9.04.022(c) of this code. A vending machine operator is not liable under this section for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of eighteen if the vending machine operator was not aware of the purchase.

(d) A licensed retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of eighteen is unlawful.

(e) A vending machine operator shall attach a notice in a conspicuous place on the front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of eighteen is unlawful and that the purchaser is subject to a forfeiture.

(f) No retailer may keep a vending machine in any public place that is open to persons under the age of eighteen unless all of the following apply:

(1) The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee;

(2) The vending machine is in a place where it is inaccessible to the public when the premises are closed.

(g) The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall ensure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.

(h) No person may place a vending machine within five hundred feet of a school.

(i) Defense of Retailer. Proof of all of the following facts by a retailer, or the agent or employee thereof, who sells cigarettes or tobacco products to a person under the age of eighteen is a defense to any prosecution for a violation of subsection (3) of this section:

(1) That the purchaser falsely represented that he or she had attained the age of eighteen and presented an identification card;

(2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of eighteen;

(3) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of eighteen.

(Ord. 61-5166 ..1 & 2, 2002, File No. 95-0120; Ord. 61-4903 ..1(part), 1995; Ord. 61-4883 ..1(part), 1995.)

5.30.050 Penalties. (a) In this section, violation means a violation of section 5.30.020 or 5.30.040(c) through (f).

(b) A person who commits a violation is subject to a forfeiture of:

(1) Not more than fifty dollars if the person has not committed a previous violation within twelve months of the violation; or

(2) Not less than two hundred dollars nor more than five hundred dollars if the person has committed a previous violation within twelve months of the violation.

(c) A court shall suspend any license or permit issued under section 5.30.020 to a person for:

(1) Not more than three days, if the court finds that the person committed a violation within twelve months after committing one previous violation;

(2) Not less than three days nor more than ten days, if the court finds that the person committed a violation within twelve months after committing two other violations; or

(3) Not less than fifteen days nor more than thirty days, if the court finds that the person committed the violation within twelve months after committing three or more other violations.

(d) The court shall promptly mail notice of a suspension under subsection (c)(3) of this section to the department of revenue and to the city clerk. (Ord. 61-4883 ..1(part), 1995.)