

SUB. 1 TO ORD. AMDT. 19, 09-10

AMENDING CHAPTER 34 OF THE DANE COUNTY CODE OF ORDINANCES,
CREATING AN EXCEPTION TO PROHIBITION OF SMOKING IN PUBLIC PLACES
FOR TOBACCO BARS

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 34.07(3)(cc) is created to read as follows:

34.07 SMOKING PROHIBITED IN CERTAIN AREAS. (3) Definitions. As used in this section, the following words and phrases shall have the meanings indicated:

(cc) *Tobacco bar* means a tavern, which generates fifteen percent (15%) or more of its total annual gross income from the on-site sale of tobacco products, not including any sales from vending machines.

ARTICLE 3. Section 34.07(8)(c) is created to read as follows:

(8) Exceptions. The following areas shall not be subject to the restrictions of this section:

(c) Tobacco bars, subject to all of the following:

1. Smoking of tobacco products is permitted.
2. Smoking of cigarettes and cigars is not permitted.
3. Fifteen percent (15%) or more of the tobacco bar's total gross income from the previous fiscal year was from the on-site sale of tobacco products, not including any sales from vending machines.
4. To qualify for this exemption the owner must file written proof subscribed and sworn to by a certified public accountant certifying the tobacco bar's total gross income and the percentage of tobacco product sales from the tobacco bar. The director of Public Health may request further information, including an audit of the tobacco bar's records, if there is reason to believe the financial data may not be accurate.
5. This exemption is only in effect from the date of initial application until the following June 30th, and then from July 1st to June 30th of each year thereafter, upon application. An application for this exemption must be made annually by April 15th of the application year.
6. A tobacco bar that has not previously qualified under this subdivision, may qualify for an exemption if it provides written proof subscribed and sworn to by a certified public accountant certifying that during the previous six (6) months, fifteen percent (15%) or more of the tobacco bar's total gross income was from the on-site sale of tobacco products, not including any sales from vending machines. To qualify under this paragraph, the required certification must be filed no later than ninety (90) days after the above-mentioned six (6) months. This exemption will be in effect through the next full licensing year. After that point in time, the tobacco bar must qualify on a yearly basis for the exemption.
7. Tobacco bars shall display signs, in accordance with the standards in sub. (9), that state that pipes may be smoked in the tobacco bar, that cigarettes may not be smoked in the tobacco bar, and warning of the dangers of secondhand smoke, in language and form as approved by the director of Public Health.