

Lee, Chris

From: Owczarski, Jim
Sent: Tuesday, June 20, 2023 8:24 AM
To: Lee, Chris
Subject: FW: URGENT: Zoning Ordinance on Cigarette and E-Cigarette Retailers
Importance: High

For the file, I should think.

Jim

From: Thomas Briant <info@natocentral.org>
Sent: Tuesday, June 20, 2023 8:07 AM
To: Floyd, Jasmine <Jasmine.Floyd@milwaukee.gov>; Oatis-McMiller, Glenda <Glenda.Oatis-McMiller@milwaukee.gov>; Brostoff, Jonathan <Jonathan.Brostoff@milwaukee.gov>; Bauman, Robert <rjbauma@milwaukee.gov>; Westmoreland, Lamont <Lamont.Westmoreland@milwaukee.gov>; Coggs, Milele <mcoggs@milwaukee.gov>; Rainey, Khalif <Khalif.Rainey@milwaukee.gov>; Zamarripa, JoCasta <JoCasta@milwaukee.gov>; Webb, Taryn <Taryn.Webb@milwaukee.gov>; Murphy, Michael (Alderman) <mmurph@milwaukee.gov>; Borkowski, Mark <Mark.Borkowski@milwaukee.gov>; Perez, Jose <JoseG.Perez@milwaukee.gov>; Spiker, Scott <Scott.Spiker@milwaukee.gov>; Dimitrijevic, Marina <Marina@milwaukee.gov>; Stamper II, Russell <Russell.StamperII@milwaukee.gov>
Cc: Owczarski, Jim <jowcza@milwaukee.gov>
Subject: URGENT: Zoning Ordinance on Cigarette and E-Cigarette Retailers
Importance: High

NATO

National Association of Tobacco Outlets

DATE: June 20, 2023

TO: Jose Perez, Milwaukee Common Council President, and
Members of the Milwaukee Common Council

FROM: Thomas Briant, Executive Director and Legal Counsel

URGENT: Common Council President Perez and Members of the
Milwaukee Common Council, as the Executive Director and Legal

Counsel for the National Association of Tobacco Outlets, I am sending you this urgent message because of the severe economic impact that Zoning Ordinance Number 230097 will have on Milwaukee retailers that sell tobacco products and e-cigarettes. The National Association of Tobacco Outlets represents retailers that sell tobacco products, including numerous retailers in Milwaukee.

Proposed Ordinance Number 230097 imposes a limited use standard that would prohibit a tobacco or e-cigarette retailer from being within 1,000 feet of an elementary or secondary school, library, day care center, park, or playground nor within 500 feet of another tobacco or e-cigarette retailer. Retailers are on the front lines of preventing underage persons from obtaining tobacco products. A distance limitation is not needed because responsible retailers properly train their store clerks on how to prevent the sale of tobacco products to underage individuals.

Moreover, a distance requirement may well be prohibition in the guise of a restriction. That is, drawing a 1,000-foot circle from each elementary or secondary school, library, day care center, park, or playground in the City of Milwaukee might actually prohibit the sale of legal tobacco products across most of the entire city.

In addition, such a distance restriction would reduce the commercial value of existing stores which rely on the sale of tobacco products as an important part of their overall business. The result would be that customers will drive a short distance to a neighboring city to buy their preferred tobacco products along with beverages and snacks. This loss of additional revenue could lead to employee layoffs and even store closures.

A business model for a convenience store or tobacco-only store relies on tobacco sales to make up an important part of total sales and a retailer that is unable to sell tobacco products will not be able to make up the loss of tobacco sales by selling other products. Moreover, an ordinance that

places distance restrictions on retail stores will be a major disincentive for any new retail stores to open in the city.

If this ordinance is enacted despite the economic consequences to retailers and their employees, at the very least a grandfather clause protecting those stores that are currently located within the restricted zoning area should be included in the ordinance to allow them to continue selling tobacco products. This grandfather exemption should also permit a person who purchases a legally licensed retailer store to continue to sell tobacco products at that location.

I urge you to consider the impact of this proposed ordinance and include a grandfather provision in the ordinance for all existing stores that sell tobacco and e-cigarette products. Thank you for your time and consideration.