

**VILLAGE OF MOUNT HOREB  
ORDINANCE 2025-06**

**AMENDING THE ZONING CODE WITH RESPECT TO ELECTRONIC SMOKING  
RETAILERS**

The Village Board of the Village of Mount Horeb, Dane County, Wisconsin, do ordain as follows:

**§ 17.151.5 Electronic Smoking Retailers**

1. Definitions. The following definitions shall apply to this section:

**DAYCARE CENTER**

Any daycare facility registered and licensed with the Wisconsin Department of Children and Families operating within the Village of Mount Horeb.

**ELECTRONIC SMOKING DEVICE**

An electronic device that can be used to deliver an inhaled dose of nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. It includes any such device whether manufactured, distributed, marketed, or sold as an electronic cigarette, commonly known as e- cigarettes; an electronic cigar; an electronic cigarillo; an electronic pipe; an electronic hookah; vape pen; or any other product name or descriptor.

**ELECTRONIC SMOKING DEVICE PARAPHERNALIA**

A cartridge, cartomizer, e-liquid, smoke juice, tip, atomizer, electronic smoking device battery, electronic smoking device charger, and any other item specifically designed for the preparation, charging, or use of electronic smoking devices. It does not include any cigarette, as defined in § 139.30(1m) Wis. Stats., nicotine product, as defined in § 134.66(1)(f), Wis. Stats., or tobacco products, as defined in § 139.75(12), Wis. Stats.

**ELECTRONIC SMOKING RETAILER**

An establishment selling electronic smoking devices or electronic smoking device paraphernalia that has 10 percent or more of the establishment's floor space dedicated to, or more than 10 percent of the establishment's stock-in-trade consisting of, electronic smoking devices or electronic smoking device paraphernalia.

**LIBRARY**

The Mount Horeb Public Library.

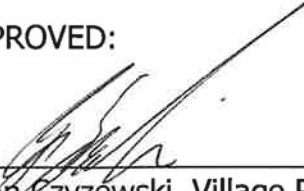
**PARKS AND PLAYGROUNDS**

Any Village-owned Community or Neighborhood Park as defined with the Village's Comprehensive Outdoor Recreation Plan or Comprehensive Plan


- 2. Prohibited Uses.** Electronic Smoking Retailers are prohibited uses in the following zoning districts:
  - a. R-1 Single-Family Residential District
  - b. R-2 Residential District
  - c. R-3 Multifamily Residential District
  - d. R-4 Elderly Housing Residential District
  - e. NB Neighborhood Business
  - f. CB Central Business District
  - g. Main Street Business District
  - h. I-2 General Industrial District
  - i. A-1 Agricultural District
  - j. Recreation Business District
  - k. C0-1 Conservancy District
- 3. Limited Permitted Uses.** Electronic Smoking Retailers are permitted within the following zoning districts provided they comply with the geographical restrictions and conditions stated below in this section:
  - a. PB Planned Business District
  - b. I-1 Restricted Industrial District
  - c. PI Planned Industrial District
- 4. Geographical Restrictions.** No Electronic Smoking Retailer shall be located within any of the following:
  - a. 750 feet of any elementary or secondary school, library, day care center, park or playground.
  - b. 750 feet of any premises holding an Electronic Smoking Retailer license.
- 5. Conditions.** No Electronic Smoking Retailer shall be permitted unless all of the following conditions are satisfied:
  - a. All applicable licenses as required by section 12.01 have been obtained.
  - b. To be allowed in a Planned Unit Development zoning district, electronic smoking retailer would need to be a permitted use or conditional use in the underlying zoning district.
  - c. The entire parcel proposed for an electronic smoking retailer must be outside of the 750 radius prohibition radius.

The above and foregoing ordinance was duly adopted by the Village Board of the Village of Mount Horeb at its regular meeting held on May 7, 2025.

APPROVED:

  
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Ryan Czyzewski, Village President

ATTEST:

  
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Alyssa Gaffney, Village Clerk

APPROVED: 5/07/25

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