

Chapter 5.16

TOBACCO DEALERS⁴

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5.16.010 Legislative findings and declaration.

The mayor and city council find and declare that:

- A. Cigarette smoking is dangerous to human health;
 - B. There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical disorders;
 - C. The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;
 - D. The Director of the National Institute on Drug Abuse concluded that the majority of the three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
 - E. The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use;
 - F. The present legislative scheme of prohibiting sales of tobacco products to persons under the age of eighteen (18) has proven ineffective in preventing such persons from using tobacco products; and
 - G. The enactment of this chapter directly pertains to and is in furtherance of the health, welfare and safety of the residents of the city, particularly those residents under eighteen (18) years of age.
- (Ord. 1991-M-37 § 1: prior code § 25.401.)

5.16.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"Vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (Ord. 1991-M-37 § 1)

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5.16.030 License - Required - Application.

It is unlawful to sell or vend through machines or to engage in other retail sales of tobacco products without having first obtained a license therefor. applications for such licenses shall be made to the clerk; and no such license shall be issued to any person who is not a person of good character, or to any corporation that is not represented in the city by a person of good character. (Ord. 1991-M-37 § 1: prior code § 25.401.)

5.16.040 License - Fee.

The annual fee for such license shall be fifty dollars, and where vending machines are used for such sale, an additional fee of fifty dollars shall be paid for each machine. (Ord. 1991-M-37 § 1; Ord. 1979-M-44 § 5(c): prior code § 25.402.)

5.16.050 Licensed premises - Sanitary condition required.

Premises and buildings used for the sale of tobacco products shall be kept in a clean and sanitary condition; the health officer shall investigate such places sufficiently often to insure compliance with the provisions of this section. (Ord. 1991-M-37 § 1: prior code § 25.403.)

5.16.060 Prohibited sales, delivery - Signs.

- A. It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years.
- B. The owner and operator of a business located within the city that sells tobacco products, including the owner or operator of tobacco vending machines, shall post signs informing the public of the age restrictions provided for herein at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each such sign shall be plainly visible and shall state:

**"THE SALE OF TOBACCO PRODUCTS TO PERSONS
UNDER EIGHTEEN YEARS OF AGE IS PROHIBITED
BY LAW."**

- C. The text of such signs shall be in black letters on a white background, said letters at least one inch high for signs at or near displays of tobacco products, or ¼ inch high for signs posted on vending machines.

(Ord. 1995-M-1 § 1; Ord. 1991-M-37 § 1)

5.16.070 Violation - Penalty

Any person, firm or corporation violating any provision of this chapter shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 1991-M-37 § 1: prior code § 25.405.)