

ORDINANCE NO. 136

TOBACCO ORDINANCE

WHEREAS, the City of Glyndon expressly finds and declares that:

1. Cigarette smoking is dangerous to human health;
2. There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and various other medical disorders;
3. 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;
4. 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;
5. The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use; and
6. The present legislative scheme of prohibiting sales of tobacco products to persons under the age of eighteen (18) years has proven ineffective in preventing such persons from using tobacco products; and

WHEREAS, the enactment of this ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the City of Glyndon, particularly those residents under eighteen (18) years of age. Also, the enactment of this ordinance in accordance and compliance with Minnesota Statute Section 609.685 and 325E.075.

NOW THEREFORE:

THE CITY COUNCIL OF THE CITY OF GLYNDON ORDAINS:

ARTICLE 1. This ordinance shall be known as the "City of Glyndon Tobacco Ordinance".

SECTION 1. Definitions

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

- "tobacco products" means cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.

- "tobacco-related devices" means cigarette papers or pipes for smoking.
- "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.

SECTION 2. Purchase by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

SECTION 3. Possession by minors prohibited.

It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; however, possession by an Indian under the age of eighteen (18) years under the supervision of an Indian parent or guardian of such Indian minor, as part of a traditional Native American spiritual cultural ceremony, shall not be prohibited.

SECTION 4. Proximity to certain institutions.

It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within one hundred feet (100') of any school building, child care facility or other building used for education or recreational programs for persons under the age of eighteen (18) years.

SECTION 5. Certain free distributions prohibited.

It shall be unlawful for any person in the business of selling or otherwise distributing, promoting or advertising tobacco products, or any employee or agent of any such person, in the course of such person's business, to distribute, give away or deliver tobacco products free of charge to any person on any right-of-way, park, playground or other property owned by the City of Glyndon, any school district, any park district or any public library.

SECTION 6. Vending Machines - Locking Devices

- A. It shall be unlawful for any person to possess a vending machine with the intention of selling, giving away or delivering tobacco products by using a vending machine, unless such vending machine is equipped with a manual, electric or electronic locking device controlled by the owner, or agent or employee of the owner, so as to prevent its operation by persons under the age of eighteen (18) years.
- B. Any premises where access by persons under the age of eighteen (18) years is prohibited by law, or premises where the public is generally not permitted and where vending machines are strictly for the use of the employees of the business located at such premises, shall be exempt from the requirements of Section 6. A. above.

SECTION 7. Business Owner - Responsibility

It shall be unlawful for any owner, operator or an employee of an establishment to knowingly permit violations of this ordinance. Every act or omission of whatsoever nature, constituting a violation of any of the provisions of this ordinance by any officer, director, manager or other agent or employee of any business owner shall be deemed and held to be the act of such business owner; and such business owner shall be punishable in the same manner as if such act or omission had been done or omitted by the business owner personally.

SECTION 8. Parental responsibility.

It shall be unlawful for a parent or legal guardian of a minor to knowingly permit the minor to violate this ordinance; however, furnishing of tobacco products by an Indian to an Indian under the age of eighteen (18) that is part of a traditional Native American spiritual ceremony shall not be prohibited.

SECTION 9. Penalties.

Upon a finding of guilty for violation of this section, there shall be imposed a fine up to Seven Hundred Dollars (\$700) or imprisonment not to exceed more than ninety (90) days, or both. Upon a finding of guilty upon a juvenile violating this ordinance, the penalty imposed shall be in accordance with Minnesota Statute Section 260.195.

ARTICLE 2. If any portion of this ordinance is declared or held to be invalid by any court of competent jurisdiction, such declaration or finding of invalidity shall not affect any remaining portion of this ordinance which may be given effect without such invalid provisions, and to that end the provisions of this ordinance are severable.

ARTICLE 3. This ordinance shall be effective on and after September 25, 1996.

PASSED AND APPROVED this 25th day of September, 1996

CITY OF GLYNDON

By: Richard D. Jones
Mayor Dick Jones

ATTEST:

Dennis Johnson
Dennis Johnson, Clerk/Treasurer