

CHAPTER 2

CIGARETTE AND TOBACCO PRODUCTS

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3-2-1: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this

Section:

**INDIVIDUALLY
PACKAGED:**

Any package containing only one individually wrapped item. Included are single packs of cigarettes or single cans or containers of tobacco related products. Not included are cartons containing two (2) or more individually packaged packs of cigarettes or similar packages containing multiple cans or containers of tobacco related products.

**SELF SERVICE
MERCHANDISING:**

An open display of tobacco products which the public has access to without the intervention of an employee.

**TOBACCO RELATED
PRODUCT:**

Cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready, rubbed and other smoking tobacco, snuff, snuff flower, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scrips, clippings, cuttings and sweepings of tobacco prepared in such manner as to be suitable for

chewing, sniffing or smoking in a pipe, rolling paper or other tobacco related devices. (1997 Code)

3-2-2: **LICENSE REQUIRED:** No person shall keep for retail sale or sell at retail any tobacco product as defined in this Chapter without a license. (1997 Code)

3-2-3: **APPLICATION:** The application shall state the full name and address of the applicant, the location of the building and the part to be used by the applicant under the license, the kind of business conducted at such location and such other information as shall be required by the application form. (1997 Code)

3-2-4: **PROHIBITED SALES:** No person shall sell or give away any tobacco related product to any person under the age of eighteen (18) years, no person shall sell or dispense any tobacco product through the use of a vending machine, and it shall be unlawful for any person to offer for sale any individually packaged tobacco related product by means of self-service merchandizing. All sales must be made in such a manner that require the vendee to specifically ask for the tobacco product and all other sales are unlawful. (1997 Code)

3-2-5: **IDENTIFICATION:** Any person who sells a tobacco product must require identification if such person has any reason to believe that the purchaser is less than eighteen (18) years of age. (1997 Code)

3-2-6: **VIOLATIONS:**

- A. **Misdemeanors:** Any person who violates this Chapter shall be guilty of a misdemeanor.
- B. **Penalty For Noncompliance:** In addition to any criminal penalties which may be imposed by a court of law, the City Council may suspend or revoke a license on a finding that the license holder or its employee has failed to comply with this Chapter.

- C. Minimum Penalty: In no event shall a penalty be less than:
1. For a first violation, the mandatory minimum penalty shall be the administrative penalty imposed pursuant to Section 1-4-1 of this Code.
 2. For a second violation in twelve (12) months the mandatory minimum penalty shall be suspension for two (2) days.
 3. For a third violation in twelve (12) months the mandatory minimum penalty shall be suspension for five (5) days.
- D. Hearing And Notice: Revocation or suspension of a license shall be preceded by a hearing before the City Council. A hearing notice shall be given at least ten (10) days prior to the hearing, including notice of the time and place of the hearing and shall state the nature of the charges against the licensee. (1997 Code)

3-2-7: **APPEAL:** The aggrieved party may appeal the decision of the City Council within ten (10) days of receiving notice of the City's action. The filing of an appeal stays the action of the City in suspending or revoking a license until the Council makes a final decision. The Council may modify the suspension or revocation. (1997 Code)