

ORDINANCE NO. __

AN ORDINANCE TO AMEND CHAPTER 14, SECTION 14-39 OF THE GILLETTE CITY CODE TO DELETE AND REPLACE DEFINITIONS AND INCREASE THE FINES AND COSTS FOR MINORS USING NICOTINE.

WHEREAS, the Governing Body of the City of Gillette desires to revise Amend Chapter 14, Section 14-39 of the Gillette City Code.

THEREFORE, IT IS RESOLVED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

SECTION ONE. §14-39 of the Gillette City Code, is amended to read as follows:

§14-39 Smoking Regulations Concerning People Below the Age of 18.

A. Legislative Finding and declaration.

(1) The City of Gillette expressly finds and declares that:

(a) Nicotine use is dangerous to human health;

(b) Substantial scientific evidence suggests that the use of Tobacco Products causes cancer, heart disease and other medical disorders;

(c) Legislation has been ineffective in preventing persons under the age of eighteen (18) from using nicotine products.

(2) This Ordinance is adopted to promote the health, safety and welfare of the citizens of the City of Gillette. (Ord. No. 1801 08/19/91)

B. Definitions.

For the purposes of this Chapter only, the following words and phrases shall have the following meanings:

(1) "Tobacco Products" means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, Electronic Cigarettes, vials of liquid intended for use in Electronic Cigarettes including but not

limited to: E-Juice; E-Liquid, Pods, and Vape-Juice, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

(2) "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 or Electronic Cigarettes.

(3) "Electronic Cigarette" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system, including but not limited to: Juul; Suorin; Mods; and Vaporizers. (Ord. No. 1801 08/19/91; Ord. 3815, 3-3-2014; Ord. 3823, 6-3-2014)

C. Prohibited sales, or delivery

(1) It is unlawful for any person to sell, offer to sell, give away or deliver Tobacco Products or Electronic Cigarettes to any person under the age of eighteen (18) years. (Ord. 3823, 6-3-2014)

D. Posted notice required; location of vending machines.

(1) Any person who sells Tobacco Products shall post signs, at or near every display of Tobacco Products or Electronic Cigarettes and on or upon every Vending Machine which offers Tobacco Products or Electronic Cigarettes for sale, informing the public of the age restrictions to purchase tobacco. Each sign shall be plainly visible and state in red letters on a white background with letters at least one inch (1") high:

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

(2) It is unlawful for any person to sell or offer Tobacco Products or Electronic Cigarettes for sale by use of a Vending Machine unless the machine is located in a business premises where alcoholic or malt beverages are sold or dispensed, or where access by persons under the age of eighteen (18) years is prohibited by law, or places not open to the general public. (Ord. 3823, 6-3-2014)

E. Purchase by minors prohibited.

(1) It is unlawful for any person under the age of eighteen (18) years to purchase Tobacco Products or Electronic Cigarettes. It is unlawful for any person under the age of eighteen (18) years to misrepresent their identity or age, or use any false or altered identification for the purpose of purchasing Tobacco Products or Electronic Cigarettes is prohibited. (Ord. 3823, 6-3-2014)

F. Possession or use by minors prohibited.

(1) It is unlawful for any person under the age of eighteen (18) years to possess or use any Tobacco Products or Electronic Cigarettes.

G. Fines and Costs.

(1) Any violation of § 14-39, G.C.C., shall be a misdemeanor punishable by a fine, and added court costs, as follows:

(a) For a first conviction for a violation of 14-39, G.C.C., a fine of up to two hundred dollars (\$200.00); a minimum of twenty (20) hours of community service; a mandatory tobacco education class to be completed within one hundred twenty (120) days of sentencing; and thirty-five dollars (\$35.00) court costs.

(b) For a second conviction for a violation of 14-39, G.C.C., a fine of up to five hundred dollars (\$500.00); a minimum of twenty (20) hours of community service; and thirty-five dollars (\$35.00) court costs.

(c) For a third or subsequent conviction for a violation of 14-39, G.C.C., a fine of up to seven hundred fifty dollars (\$750.00); a minimum of twenty (20) hours of community service; and thirty-five dollars (\$35.00) court costs.

(d) For a second or subsequent conviction for a violation of 14-39, G.C.C., the Court may, in addition to the above penalties, impose a tobacco education class to be completed within one hundred twenty (120) days of sentencing.

(e) In lieu of the fine under subsections (a)-(c) of this section, the court may allow the defendant to perform community service and be granted credit against his or her fine at the rate of five dollars (\$5.00) for each hour of work performed.

(2) Each day or part thereof on which a violation continues shall constitute a separate violation.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2018.

Louise Carter-King, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk