

ORDINANCE NO. 64 - 1996

Offered by Mayor Larsen

AN ORDINANCE ENACTING SECTION 521.14 OF THE GENERAL OFFENSES CODE PROHIBITING THE SALE OF TOBACCO PRODUCTS TO MINORS AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That a new Section 521.14 of the General Offenses Code be enacted to read as follows:

"521.14 PROHIBITION OF SALE OF TOBACCO TO MINORS

(a) No manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products, or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes or other tobacco products shall do any of the following:

- (1) Give, sell or otherwise distribute cigarettes or other tobacco products to any person under eighteen years of age;
- (2) Give away, sell or distribute cigarettes or other tobacco products in any products in any place that does not have posted in a conspicuous place, a sign stating that giving, selling or otherwise distributing cigarettes or other tobacco products to a person under eighteen years of age is prohibited by law.

(b) No person shall sell or offer to sell cigarettes or other tobacco products by or from a vending machine except in the following locations:

- (1) An area with either:
 - (A) Within a factory, business, office or other place not open to the general public; or
 - (B) To which persons under the age of eighteen are not generally permitted access.
- (2) In any other place not identified in subsection (b)(1) hereof, upon all of the following conditions:
 - (A) The vending machine is located within the immediate vicinity, plain view and control of the person who owns or operates the place, or any employee of such person, so that all cigarettes and other tobacco product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of such person. For the

purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway or outer waiting area, shall not be considered located within the immediate vicinity, plain view and control of the person who owns or operates the place, or an employee of such person.

- (B) The vending machine is inaccessible to the public when the place is closed.
- (C) As used in this section, 'vending machine' has the same meaning as 'coin machine' as defined in Section 545.01(i).
- (D) Whoever violates this section is guilty of illegal distribution of cigarettes or other tobacco products, a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of this section, then illegal distribution of cigarettes or other tobacco products is a misdemeanor of the third degree."

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary to protect the safety of minorsshall take effect and be in force from and after the earliest period allowed by law.

WHEREFORE, provided this resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed it shall take effect immediately upon its passage and execution by the Mayor. Otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed: July 16, 1996

[Signature]
President of Council

[Signature]
Mayor

Dated: 8/7/96

ATTEST:
[Signature]
Clerk of Council