

Chapter 8.28
SMOKING PROHIBITED IN MUNICIPAL BUILDINGS AND FACILITIES

Sections:

8.28.010 Smoking—Defined.

8.28.020 Smoking—Unlawful in city buildings and facilities.

8.28.030 Violation—Penalty.

8.28.040 Interpretation.

8.28.050 Possession and sale of tobacco to minors.

8.28.010 Smoking—Defined.

“Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form. (Ord. 1993-7 § 1)

8.28.020 Smoking—Unlawful in city buildings and facilities.

Smoking is unlawful in all enclosed areas of buildings or facilities under the control of the city. (Ord. 1993-7 § 2)

8.28.030 Violation—Penalty.

Any person who violates the provisions of this chapter shall be liable for a civil penalty not to exceed one hundred dollars (\$100.00) for a first violation, or two hundred dollars (\$200.00) for each additional violation of this chapter within one (1) year. (Ord. 1993-7 § 3)

8.28.040 Interpretation.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable health, safety or fire codes. (Ord. 1993-7 § 4)

8.28.050 Possession and sale of tobacco to minors.

A. It is unlawful for any person who has not reached the age of eighteen (18) years to knowingly possess tobacco or tobacco products, including but not limited to cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or smokeless tobacco.

B. It is unlawful for any person to sell, give, deliver or furnish any tobacco product to anyone who has not reached eighteen (18) years of age. It shall be an affirmative defense to prosecution under this subsection that the person reasonably relied upon a photo identification document, furnished or produced at the time of the transaction, which identified the person receiving the tobacco product as being eighteen (18) years of age or older.

C. It is unlawful for any person to permit or allow their agent, servant, officer or employee to sell, give, deliver or furnish any tobacco product to anyone who has not reached eighteen (18) years of age. It shall be an affirmative defense to prosecution under this subsection that the employer has adopted and enforces a written policy against selling tobacco products to persons under eighteen (18) years of age, has informed its employees of the applicable laws regarding sales of tobacco products to persons under eighteen (18) years of age, requires employees to verify the age of tobacco product customers by way of a photo identification document, and has established and imposes sanctions for noncompliance.

D. Any person who sells or offers to sell any tobacco products shall display a warning sign, as specified in this subsection. It is unlawful for any person to fail to display such warning sign. Such warning sign shall be displayed in a prominent place in the building and on any vending machine at all times and shall have a minimum height of three (3) inches and a width of six (6) inches, and shall read as follows:

WARNING

IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO PURCHASE TOBACCO OR TOBACCO PRODUCTS, INCLUDING CIGARETTES, AND, UPON CONVICTION, A FINE UP TO \$999 MAY BE IMPOSED.

E. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon such violation, shall, in the discretion of the Municipal Judge, be subject to a fine of not less than fifty dollars (\$50.00) nor more than nine hundred ninety-nine dollars (\$999.00). (Ord. 2019-1 § 2 (part); Ord. 1997-2 § 1)