

CITY CODE
City of
GRAND FORKS, NORTH DAKOTA

CHAPTER IX: OFFENSES AND MICELLANEOUS PROVISIONS

ARTICLE 2. NONCRIMINAL BREACHES OF PEACE AND ORDER

9-0217. Prohibited purchases or sales of tobacco products.

(1) The intent and purpose of this section is to preserve and protect the public's health, safety, and welfare from the inherent risks and dangers of tobacco use by prohibiting the sale of tobacco from vending machines, the sale or distribution of tobacco products to minors, and the purchase of tobacco products by minors.

(2) The following words and terms, as used in this section, shall be defined as follows:

- (A) *City* shall mean the City of Grand Forks.
- (B) *Distribute* shall mean to give tobacco products to the general public at no cost or at nominal cost for product promotional purposes.
- (C) *Minor* shall mean any person, regardless of gender, who has not yet reached the age of eighteen (18).
- (D) *Person* shall mean any individual, partnership, corporation, or other business or legal entity.
- (E) *Sell* shall mean, in addition to its ordinary meaning, to dispense from a vending machine.
- (F) *Tobacco products* shall mean, but is not limited to, cigarettes, cigars, smokeless tobacco, tobacco snuff, chewing tobacco, and other kinds of tobacco, prepared in such a manner as to be suitable for chewing or smoking.
- (G) *Vending machine* shall mean any kind of device which, upon the insertion of a coin or coins, tokens, or other objects will release tobacco products in packages or otherwise.

(3) It is unlawful for any person to sell or dispense any tobacco product through the use of a vending machine, except from a vending machine located in a licensed on-sale alcoholic beverage establishment or a licensed off-sale alcoholic beverage establishment where the vending machine is located within the immediate vicinity, plain view, and control of a responsible employee, so that all tobacco purchases will be readily observable by that employee.

The vending machine shall not be located in any coat room, restroom, unmonitored hallway, outer waiting area, or similar unmonitored area; nor shall the vending machine be accessible to the public when the establishment is closed.

(4) It is unlawful for any person to sell or distribute tobacco products to a minor.

(5) It is unlawful for any person under the age of eighteen (18) years to possess, purchase, attempt to purchase, sell, smoke or use tobacco products. This section shall not apply to a person under the age of eighteen (18) years who purchases or attempts to purchase tobacco or tobacco products while under the direct supervision of the police department, the city health department, or the city attorney's office for training, education, research, or enforcement purposes. Further, this section shall not apply to an employee under eighteen (18) years of age whose possession of tobacco products is incidental to employment by a licensed retail tobacco dealer in the course of a retail sale while under the direct supervision of a person on the premises eighteen (18) years of age or older.

(Ord. No. 3546, § 2, 9-18-95; Ord. No. 3589, § 2, 5-20-96)

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ARTICLE 5. PENALTIES, FEES AND FINES

9-0503. Penalties for specified offenses.

(1) Any person violating the provisions of 9-0217(3) pertaining to tobacco vending machines, shall, upon conviction, be subject to a penalty of five hundred dollars (\$500.00). Each day that a violation is permitted to exist shall constitute a separate punishable offense.

(2) Any person violating the provisions of 9-0217(4) pertaining to sale or distribution of tobacco products to a minor, shall, upon conviction, be subject to a penalty of not less than one hundred dollars (\$100.00) or more than three hundred dollars (\$300.00).

(3) Any person violating the provisions of 9-0217(5) pertaining to minor possession of tobacco products, shall, upon conviction, be subject to a penalty of seventy dollars (\$70.00).

(4) Any person violating section 9-0218 pertaining to juvenile curfew, shall be subject to a fine of eighty dollars (\$80.00).

(5) Any person, firm or corporation violating section 9-0304 pertaining to uncovered vehicles hauling trash and who does not immediately remedy the violation shall be subject to a penalty of not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) for each offense and a separate offense shall be deemed committed on each day or fraction thereof that such violation occurs or continues; provided, however, no portion of any fine levied hereunder shall be suspended.

(6) Any person violating section 9-0309 pertaining to unauthorized entry into posted property, shall be guilty of an infraction and, upon conviction, shall be subject to a penalty of not less than one hundred dollars (\$100.00) per offense, or more than five hundred dollars (\$500.00) per offense.

(7) Any person violating section 9-0202 of the Grand Forks City Code relating to the prohibition of landing or takeoff of an aircraft in city limits shall be subject to a fine of five hundred dollars (\$500.00).

(Ord. No. 3546, § 2, 9-18-95; Ord. No. 3589, § 5, 5-20-96; Ord. No. 3764, § I, 1-4-99; Ord. No. 3854, § II, 7-17-00; Ord. No. 4113, § II, 1-3-06; Ord. No. 4171, § I, 3-5-07; Ord. No. 4299, § VIII, 5-5-08; Ord. No. 4276, § II, 8-17-09)