

Washington County, Minnesota Ordinances

Ordinance No. 135 (Resolution No. 98-147) Adopting Amendments to Washington County Youth Access to Tobacco Ordinance No. 133

Date Approved: 09/22/1998

Date Published: 09/30/1998

Whereas,

Minn. Stat. §§461.12 to 461.18 regulates various aspects of the sale of tobacco and tobacco related products in an attempt to decrease its access by youth; and

Whereas,

Minn Stat. §461.19 allows municipalities to enact local ordinances which provide for more restrictive regulation of tobacco sales; and

Whereas,

pursuant to this mandate, the Washington County Board duly enacted the Washington County Youth Access to Tobacco Ordinance, Ordinance No. 133, in order to impede the ability of the County's youth to obtain tobacco and tobacco related products; and

Whereas,

the Washington County Board of Commissioners determined that certain provisions of the ordinance were more restrictive than need be and that those provisions of Ordinance No. 133 should be amended; and

Whereas,

the Washington County Board of Commissioners conducted a public hearing on the amendments to the Washington County Youth Access Ordinance; and

Whereas,

the Board wishes to all vending machine sales of tobacco products in those locations also allowed by state statute but to restrict the type of vending machine that may be used in those locations to those that provide the licensee direct control of the dispensing of tobacco products; and

Whereas,

the Board recognizes that machines equipped with manual, electric or electronic locking devices which may only be activated by the licensee for each individual sale serve the purpose of making it more difficult for youth to access the tobacco products in vending machines; and

Whereas,

the Board recognizes the fact that many sales establishments employ persons under the age of eighteen to sell its products; and

Whereas,

the Board recognizes blanket proscription against sale of tobacco by persons under the age of eighteen will work unnecessary staffing hardships on licensees and decrease employment opportunities for youth;

Now, Therefore, Be It Resolved, that

based on the recommendations of the Washington County Department of Health, Environment and Land Management and the testimony received at the public hearing and the reasons set forth therein, the Washington County Youth Access to Tobacco Ordinance No. 133 is amended as follows and shall be adopted as Washington County Ordinance No. 135:

Section 2.4

Vending Machine

means any mechanical, electric or electronic, or other type of device dispenses Tobacco, Tobacco Products or Tobacco Related Devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the Tobacco, tobacco Product or Tobacco Related Device. Vending Machine includes, but is not limited to, those machines equipped with manual, electric or electronic locking devices which may only be activated by the Licensee for each individual sale.

Section 6.2

By means of any type of Vending Machine, as limited according to Minn. Stat. Chapt. 481 as amended time-to-time and further limited to those instances where:

A. The Vending Machine is equipped with a switch that dispenses the product only when the Licensee causes the switch to be briefly activated for each individual sale; and

B. The Vending Machine is in a location visible to the Licensee or its employees at all times; and

C. The Licensee checks the identity and age of the patron wishing to access the machine and watches the patron which he or she is making the purchase from the Vending Machine.

Section 10.5 Illegal Sales by Persons Under the Age of 16.

It shall be a violation of this ordinance: for a Licensee to cause or permit a person under the age of 16 to sell Tobacco, Tobacco Products or Tobacco Related Devices.

Section 11.4 (1)

Licensee.

Any Licensee found to have violated this ordinance or whose employee shall have violated this ordinance shall be charged an administrative fine of \$200 for the first violation of this ordinance; \$400 for the second offense at the same licensed premises within a 24-month period; and \$600 for the third offense within a 24-month period after the first offense. In addition, after the third

Washington County, Minnesota - Ordinances

offense, the license shall be suspended for not less than thirty (30) days. After the fourth offense with a 24-month period, the license shall be revoked.

Be It Further Resolved, that
that this Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Dennis C. Hegberg,
Chairman, County Board

Attest:
James R. Schug, County Administrator

Abrahamson - X - Yes
Hauser - Absent
Hegberg - X - Yes
Peterson - X - Yes
Stafford - X - Yes
