

PURCHASING AND LICENSING COMMITTEE

11-001-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 11-1 OF THE DULUTH CITY CODE, 1959, AS AMENDED, TO INCORPORATE CURRENT STATUTORY DEFINITIONS.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That Section 11-1 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 11-1. License to sell-required; definitions.

(a) For the purposes of this Chapter, the terms "tobacco" and "tobacco related devices" shall have the meanings given them in Section 609.685 of the Minnesota Statutes, ~~1994~~ and as the same may from time to time be amended;

(b) No person or any clerk, servant, employee or agent of any such person shall, within the city, directly or indirectly upon any pretense manufacture, sell, exchange, barter or keep for sale any tobacco or tobacco related devices without first having obtained a license therefor.

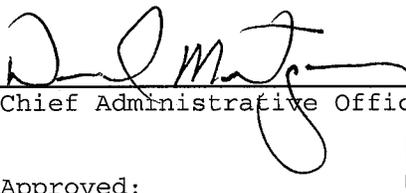
Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved:



Department Director

Approved for presentation to council:



Chief Administrative Officer

Approved as to form:



Attorney

Approved:



Auditor

FIN/ATTY TL:dma 12/20/2010

STATEMENT OF PURPOSE: This amendment brings the Duluth City Code into conformance with state statute by incorporating current statutory definitions and any amendments thereto.

The current version of § 609.685 provides as follows:

Subdivision 1. Definitions. For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

(a) "Tobacco" means cigarettes and any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots; stogies, perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

(b) "Tobacco-related devices" means cigarette papers or pipes for smoking.

The 1994 version of § 609.685 provides as follows:

Subdivision 1. Definitions. For the purposes of this section, the following terms shall have the meanings respectively ascribed to them in this section.

(a) "Tobacco" means cigarettes; cigars; cheroots; stogies; perique, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.

(b) "Tobacco related devices" means cigarette papers or pipes for smoking.