

PUBLIC WORKS AND UTILITIES COMMITTEE

13-060-0

ORDINANCE NO. _____

AN ORDINANCE AMENDED CHAPTER 11 OF THE DULUTH CITY CODE,
1959, AS AMENDED, RELATING TO THE SALE OF ELECTRONIC
CIGARETTES.

BY COUNCILORS JULSRUD AND KRUG:

The city of Duluth does ordain:

Section 1. That Section 11-1 of the Duluth City Code, 1959, as amended,
is hereby amended 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 and as the same may from
time to time be amended, and shall include electronic cigarettes
defined as any electronic-smoking device that can be used to deliver
nicotine or any other substances to the person inhaling from the
device. The term shall include such devices whether they are
manufactured as electronic cigarettes, electronic cigars, electronic
pipes or any other product name;

(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 Section 11-4 of the Duluth City Code, 1959, as amended,
is hereby amended as follows:

Sec. 11-4. Same--Character of applicant; movable places of business
and vending machines licenses prohibited; to be issued
for sale only at single location.

No license required by this Chapter shall be issued except to
a person of good moral character. No license shall be issued to an

applicant for sale of cigarettes tobacco or tobacco related devices at any place other than his established place of business. No license shall be issued for the sale of cigarettes tobacco or tobacco related devices at a movable place of business, nor shall any license be issued for the sale of cigarettes tobacco or tobacco related devices at more than one place of business. No license shall be issued authorizing the sale of cigarettes tobacco or tobacco related devices from a vending machine or any other mechanical device.

Section 3. That Section 11-7 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 11-7. Sales from vending machines prohibited.

No person shall sell or offer for sale any cigarettes tobacco or tobacco related devices from a vending machine or other mechanical device. The presence of a cigarette vending machine containing cigarettes tobacco or tobacco related devices on any business premises other than that of a supplier, repairer or distributor of cigarette vending machines shall constitute prima facie evidence of such business offering for sale cigarettes tobacco or tobacco related devices through the use of a vending machine.

Section 4. That Section 11-9 of the Duluth City Code, 1959, as amended, is hereby amended as follows:

Sec. 11-9. Smoking by minors, possession or purchase of tobacco prohibited.

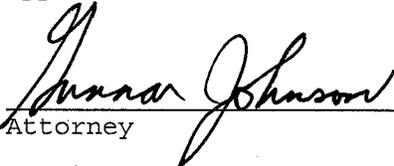
(a) The smoking or use of cigarettes tobacco or tobacco related devices ~~or other use of tobacco~~ within the city by any person below the age of 18 years is hereby prohibited. Any person of such minor age found smoking or using cigarettes or using tobacco tobacco or tobacco related devices shall be guilty of a misdemeanor;

(b) No person under 18 years of age shall possess any tobacco or tobacco related devices on his or her person;

(c) No person under 18 years of age shall purchase, attempt to purchase, or conspire to have another person purchase for him or her any tobacco or tobacco related devices.

Section 5. That this ordinance shall take effect 30 days after its passage and publication.

Approved as to form:



Attorney

CCREQ/ATTY JMC:cjh 8/15/2013

STATEMENT OF PURPOSE: This ordinance amends Chapter 11 of the Duluth City Code, 1959, as amended, by adding regulations for the sale of electronic cigarettes within the city of Duluth.