

**ORDINANCE NO. 455**

**AN ORDINANCE AMENDING TITLE XI (BUSINESS REGULATIONS) CHAPTER 113 (TOBACCO REGULATIONS) OF THE CITY OF MILACA CODE OF ORDINANCES**

THE CITY COUNCIL OF THE CITY OF MILACA, MINNESOTA DOES ORDAIN AS FOLLOWS:

Section

- \_\_\_ .01 Intent
- \_\_\_ .02 Amendment
- \_\_\_ .03 Penalty

**§ \_\_\_ .01 INTENT.**

It is the intent of the City of Milaca to amend the below Ordinance to reflect the new federal law which makes it illegal to sell tobacco products to anyone under the age of 21. This includes e-cigarettes and vaping products.

**§TITLE XI (BUSINESS REGULATIONS) CHAPTER 113 (TOBACCO REGULATIONS) SECTION 113.06 (D) SUBD. (2) OF THE CITY OF MILACA CODE OF ORDINANCES IS HEREBY AMENDED TO READ:**

**§ 113.06 PROHIBITED SALES.**

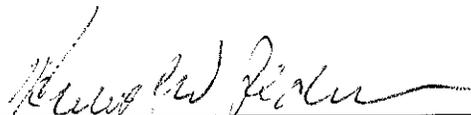
- (A) It shall be a violation of this chapter for any person to sell or offer to sell any tobacco, tobacco product, or tobacco related device without a license.
- (B) No license shall be issued to any person at any place other than his or her established place of business.
- (C) No license shall be issued for the sale of cigarettes from a moveable place of business.
- (D) No person shall or company shall sell at retail, keep for retail sale, or otherwise deal in cigarettes:
  - (1) Within 100 feet of any school building;
  - (2) To any person under the age of 21 years;
  - (3) By means of any type of vending machine, except as may otherwise be provided in this chapter;
  - (4) By means of self-service methods whereby the customer does not need to make a verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product, or tobacco related device and whereby there is not a physical exchange of the tobacco, tobacco product, or tobacco related device between the licensee or the licensee's employee, and the customer;
  - (5) By means of loosies as defined in § 113.02 of this code;
  - (6) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process; or

(7) By any other means, to any other person, or in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.  
(Ord. passed 11-20-97) Penalty, see § 113.99

**§ \_\_\_\_ .03 PENALTIES.**

Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor.

Adopted by the City Council of the City of Milaca this 16<sup>th</sup> day of January, 2020.

  
\_\_\_\_\_  
Mayor Harold Pedersen

ATTEST:

  
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Tammy Pfaff, City Manager