

ORDINANCE NO. 431

AN ORDINANCE RELATING TO THE SALE, POSSESSION, AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, ELECTRONIC DELIVERY DEVICES, AND NICOTINE OR LOBELIA DELIVERY PRODUCTS IN THE CITY OF SPRINGFIELD AND TO REDUCE THE ILLEGAL SALE, POSSESSION, AND USE OF SUCH ITEMS TO AND BY MINORS.

The City Council of the City of Springfield, Minnesota, does ordain that Sections 6.01 Subd. 1, 6.01 Subd. 3(e), 6.02 Subd. 12 (1), 6.03 Subd. 1(1), 6.03 Subd. 4, and 6.05 Subd. 8 of the City Code shall be amended to read in their entirety as follows:

6.01 Subdivision 1 shall read in its entirety as follows:

Subd. 1. Purpose. Because the City of Springfield recognizes that many persons under the age of twenty-one (21) years purchase or otherwise obtain, possess, and use tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products, and the sale, possession, and use are violations of both State and Federal laws, and because studies, which the city hereby accepts and adopts, have shown that most smokers begin smoking before they have reached the age of twenty-one (21) years and that those persons who reach the age of twenty-one (21) years without having started smoking are significantly less likely to begin smoking, and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this ordinance shall be intended to regulate the sale, possession, and use of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with illegal use of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products, and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statute § 144.391, as it may be amended from time to time.

6.01 Subdivision 3(e) shall read in its entirety as follows:

- e. “Minor” shall mean any natural person who has not yet reached the age of twenty-one (21) years.

6.02 Subdivision 12(1) shall read in its entirety as follows:

- 1. The applicant is under the age of twenty-one (21) years.

6.03 Subdivision 1(1) shall read in its entirety as follows:

- 1. To any person under the age of twenty-one (21) years.

6.03 Subdivision 4 shall read in its entirety as follows:

Subd. 4. Compliance Checks and Inspections. All licensed premises shall be open to inspection by the Chief of Police, or other official during regular business hours. From time to time; but at least once per year, the Chief of Police shall conduct compliance checks by engaging, with written consent of their parents or guardians, minors over the age of fifteen (15) years but less than twenty-one (21) years, to enter the licensed premise to attempt to purchase tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products, Minors used for the purpose of compliance checks shall be supervised by city law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of unlawful possession of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products when such items are obtained or attempted to be obtained as part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age when they are asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by State or Federal laws, educational, research, or training purposes, or required for the enforcement of a particular State or Federal law.

6.05 Subdivision 8 shall read in its entirety as follows:

Subd. 8. Exceptions and Defenses.

1. Nothing in this ordinance shall prevent the providing of tobacco, tobacco-related devices, electronic delivery devices, or nicotine or lobelia delivery products to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony.
2. It shall be an affirmative defense to a violation of this ordinance for a person to have reasonably relied on proof of age as described by State law.
3. It is not a violation of this ordinance for an employee under the age of twenty-one (21) to sell tobacco products as part of their regular employment as long as they are otherwise in compliance with this ordinance.

Effective Date: This ordinance becomes effective upon its passage and publication according to law.

Adopted by the Springfield City Council this 18th day of February, 2020.

Lowell Helget, Mayor

Attest:

Amy Vogel, City Clerk