

**ORDINANCE NO. 1015**

**AN ORDINANCE AMENDING CHAPTER 8, PUBLIC OFFENSES AND NUISANCES, SECTION 8.01.001, UNIFORM PUBLIC OFFENSE CODE INCORPORATED BY REFERENCE; AMENDMENTS, OF THE CODE OF THE CITY OF EDWARDSVILLE, KANSAS (“CODE”), WITH CERTAIN ADDITIONS TO THE CODE OF ORDINANCES OF THE CITY OF EDWARDSVILLE, KANSAS (CODE OF ORDINANCES)**

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Edwardsville, Kansas:

**Section 1.** Code section 8.01.001 - (b) Amendments is hereby amended to include the following sections:

Section 5.7, **“SELLING, GIVING, OR FURNISHING CIGARETTES OR TOBACCO PRODUCTS TO A MINOR,”** of the UPOC is hereby amended to read as follows:

- (a) It shall be unlawful for any person to:
1. Sell, furnish, or distribute cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age; or
  2. Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.
- (b) It shall be a defense to a prosecution under this section if:
1. The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
  2. The defendant sold, furnished, or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products; and
  3. To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver’s license, Kansas non driver’s identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco products.
  4. For purposes of this section the person who violates this section shall be the individual directly selling, furnishing, or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has who has actual knowledge of such selling, furnishing or distributing by such individual or both
- (c) It shall be a defense to a prosecution under this subsection if:
1. The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
  2. The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to

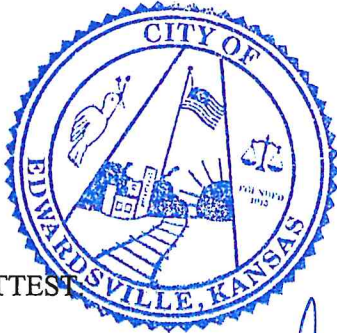
the defendant an unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

- (d) As used in this section, sale means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes, electronic cigarettes, or tobacco products with or without consideration.
- (e) It is unlawful for any person who is a retail dealer to fail to post and maintain in a conspicuous place in the dealer's establishment the following notice: "BY LAW, CIGARETTES, ELECTRONIC CIGARETTES AND TOBACCO PRODUCTS MAY BE SOLD ONLY TO PERSONS 21 YEARS OF AGE AND OLDER."


Violation of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

**Section 2.** This Ordinance shall take effect on April 1, 2019 after its passage and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EDWARDSVILLE, KANSAS ON THIS 28<sup>TH</sup> DAY OF JANUARY, 2019**




ATTEST

  
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John McTaggart, Mayor

  
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Zachary Daniel, Assistant City Manager/City Clerk

APPROVED AS TO FORM:

  
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Lisa Dehon, City Attorney