

ORDINANCE #1061

AN ORDINANCE TO AMEND THE CITY OF AVA, MISSOURI CODE OF ORDINANCES REPEALING SECTION 42-49 AND PLACING THIS SECTION ON RESERVE REVISING ORDINANCE #504 CREATING A NEW SECTION 62-110 SALES OF TOBACCO TO MINORS AND CHANGING THE TITLE FOR CHAPTER 62 ARTICLE IV FROM OFFENSES RELATED TO ALCOHOLIC BEVERAGES OR DRUGS TO OFFENSES RELATED TO ALCOHOLIC BEVERAGES, TOBACCO OR DRUGS

WHEREAS, The Board of Aldermen of the City of Ava, Missouri wishes to promote the safety and welfare of the citizens of the City of Ava, Missouri, and

WHEREAS, it is deemed to be in the public interest for the city to update ordinances according to Federal and State legislative updates.

WHEREAS, On December 20, 2019 the President signed legislation amending the Federal Food, Drug, and Cosmetic Act raising the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product- including cigarettes, smokeless tobacco, hookah tobacco, cigars, pipe tobacco, electronic delivery systems including e-cigarettes and e-liquid - to anyone under 21 years of age.

THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF AVA, MISSOURI THAT CHAPTER 62 SECTION 110 READ AS FOLLOWS:

ARTICLE IV. – OFFENSES RELATING TO ALCOHOLIC BEVERAGES, TOBACCO OR DRUGS

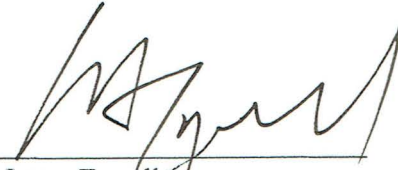
Section 62-110.- Sales of tobacco to minors.

- (a) No person shall sell or distribute any tobacco product- including cigarettes, smokeless tobacco, hookah tobacco, cigars, pipe tobacco, electronic nicotine delivery systems, including e-cigarettes and e-liquids- to anyone under the age of 21 years old.
- (b) A person selling tobacco products shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude, on the basis of appearance, that such prospective purchaser or recipient may be under the age of 21. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of this section.
- (c) If a sale is made by an employee of the owner of an establishment in violation of this section, the employee shall be found guilty of an offense. If a vending machine is used in violation, the owner of the establishment shall be guilty of an offense.
- (d) Any person who engages in retail sales of tobacco to minors under the age of 21 years of age, a fine will be imposed of two hundred fifty dollars for the first offense and no more than three hundred dollars for each subsequent violation.


This ordinance shall take effect and be in force from and after its passage and approval by the Board of Aldermen of the City of Ava, Missouri. All ordinances or parts of ordinances in conflict with the terms hereof are void and of no effect.

Passed and approved this date: 24th, March, 2020

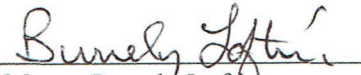
Reviewed and approved as to form by City Attorney:


Larry Tyrrell

Attest:


City Clerk Suzanne Welsh




Mayor Burrely Loftin