

**CITY OF WEST ST. PAUL  
DAKOTA COUNTY, MINNESOTA**

**ORDINANCE NO. 19-**

**AN ORDINANCE AMENDING SECTION 113.05 AND 113.07 OF THE WEST ST. PAUL  
CITY CODE REGARDING TOBACCO SALES TO PERSONS UNDER THE AGE OF 21**

The City of West Saint Paul does ordain:

**SECTION 1.** West St. Paul City Code Section 113.05 relating to Prohibited Sales is hereby amended as follows:

**113.05 PROHIBITED SALES**

(A) It shall be unlawful for any person licensed under this chapter to allow the sale of tobacco, tobacco products or tobacco-related devices:

- (1) By the means of a vending machine;
- (2) By means of loosies as defined in § 113.02;
- (3) Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana or other deleterious, hallucinogenic, toxic or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process;
- (4) By any other means, to any other person, in any other manner or form prohibited by federal, state or local law, ordinance or other regulation;
- (5) From a movable place of business, such as, but not limited to, any motorized vehicle, a kiosk, a trailer, a transportable shelter or table or any other movable structure; or
- (6) From self-service merchandising.

(B) Sale or Distribution to Person Under 21 Years Old Prohibited.

(1) No person shall sell or distribute tobacco products to any person under 21 years old.

(2) Any person found to have sold or distributed any tobacco product to a family member who is under 21 years old shall be deemed to be in violation of subsection B (1) of this section.

(3) It shall be unlawful for any person under the age of 21 years old to represent that he or she has attained the age of 21 years old for the purpose of purchasing, asking for in any way, or receiving tobacco products, except in cases authorized by law, including as authorized by the Department or law enforcement.

(4) It shall be unlawful for any person to give, lend, sell or otherwise provide any person under the age of 21 years old any falsified identification or identification of another person for the purpose of establishing the age of the individual as being 21 years old or older.

(5) Any person selling or distributing tobacco products shall require proof of age from the prospective purchaser or recipient is 21 years old or older.

(6) Notice of the legal sales age and the age verification requirement shall be posted at each location where tobacco-related products are offered for sale. The required signage, which will be provided to the licensee by the City, shall be posted in a manner so that it is clearly visible to anyone who is considering or making a purchase.

**SECTION 2.** West St. Paul City Code Section 113.07 relating to Illegal Acts is hereby amended as follows:

#### 113.07 ILLEGAL ACTS.

Unless otherwise provided, the following acts shall be a violation of this chapter.

- (A) *Illegal sales.* It shall be unlawful for any person to sell or otherwise provide any tobacco, tobacco product or tobacco-related device to any ~~minor~~person under the age of 21.
- (B) *Illegal possession.* It shall be unlawful for any minor to possess any tobacco, tobacco product or tobacco-related device. This chapter shall not apply to minors lawfully involved in a compliance check.
- (C) *Illegal use.* It shall be unlawful for any minor to smoke, chew, sniff or otherwise use any tobacco, tobacco product, tobacco-related device or nicotine delivery device.
- (D) *Illegal purchase.* It shall be a violation of this section for any ~~minor~~person under the age of 21 to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product or tobacco-related device, and it shall be unlawful for any person to purchase, or otherwise obtain such items on behalf of ~~a minor~~such person. It shall further be a violation for any person to coerce or attempt to coerce a ~~minor~~person under the age of 21 to illegally purchase or otherwise obtain or use any tobacco, tobacco product or tobacco-related device.

- (E) *Use of false identification.* It shall be unlawful for any minor to attempt to disguise ~~the~~ minor's person's true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with, to represent an age older than the actual age of the person.
- (F) No ~~minor~~ person under the age of 21 may furnish, sell or attempt to sell tobacco, tobacco products or tobacco related devices unless written consent has been obtained from the minor's parents. Such written consent must include a statement of the potential penalties that can be imposed under this Section.

**SECTION 3. SUMMARY PUBLICATION.** Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amendment prohibits the sale of tobacco to anyone under the age of 21.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect on January 1, 2020.

Passed by the City Council of the City of West St. Paul, Minnesota, this 14<sup>th</sup> day of October 2019.

Attest:

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David J. Napier, Mayor

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Shirley R Buecksler, City Clerk