

**Note from 7-2-13: The tobacco retailer license fee increased from \$100 to \$150 dollars effective July 4, 2013. This new provision is not yet captured in this document but will be included once we have the official language from the city.**

## **Cranston**

### **Chapter 5.68 – Tobacco Dealers**

Sections:

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5.68.010 - Definitions.

"Tobacco products" means any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco or rolling papers.

"Vending machines" means any mechanical, electric or electronic self service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

"Compliance check violation" means any sale of tobacco products to and/or by a person who is less than eighteen (18) years of age.

(Prior code § 16-41)

5.68.020 - License required.

It shall be unlawful to sell or offer for sale, to give away, deliver or to keep with the intention of selling, giving away or delivering tobacco products within the city without having first obtained a tobacco dealer's license pursuant to this chapter. Such license shall be in addition to any other license required by state and/or federal law. Failure to obtain a license shall result in a fine of two hundred dollars (\$200.00). Fee for the city license shall be one hundred dollars (\$100.00) per year.

(Prior code § 16-42)

(Ord. No. 2011-25, § 1, 6-27-11)

#### 5.68.030 - License application.

A Cranston tobacco dealer's license shall be made in writing to the office of the Cranston city clerk.

Application for a tobacco dealer's license shall be issued administratively by the city clerk for up to five years. All tobacco dealer's licenses shall expire together on the last day of August and shall not be issued for more than sixty (60) months. All retailers holding valid state tobacco licenses upon the adoption date of the ordinance codified in this chapter shall receive a Cranston dealer's license. Any individual corporation, partnership, retailer, or any other organization shall obtain a valid state tobacco license prior to approval for a Cranston tobacco dealer's license.

Any individual, corporation, partnership, retailer, or any other organization denied a Cranston tobacco dealer's license shall have the right to appeal to the Cranston city county safety services committee.

(Prior code § 16-43)

#### 5.68.040 - Prohibitions applicable to license holders, their employees and agents.

A person who holds a license issued under this chapter, or any employee or agent of same, is prohibited from selling, distributing, or delivering any tobacco product or other items to any individual that is under eighteen (18) years of age, whether said tobacco is sold, distributed or delivered in person or via vending machine.

(Prior code § 16-44)

#### 5.68.050 - Suspension or revocation of license—Fines and costs.

The Cranston police department shall enforce this chapter. All tobacco dealer's license holders shall be subject to a compliance check at least twice a year with violators being checked more frequently until two consecutive checks are completed without a violation.

If an alleged violation occurs, the Cranston police department shall issue a citation that will require the tobacco dealer's license holder to appear in Cranston municipal court. If, after a hearing, it has been proven by a preponderance of the evidence that a violation is found to have occurred, the Cranston municipal court may impose a fine of five hundred dollars (\$500.00) for the first offense, one thousand dollars (\$1,000.00) for the second offense, one thousand dollars (\$1,000.00) together with a forty-five (45) day suspension of the tobacco dealer's license for the third offense, one thousand dollars (\$1,000.00) together with a sixty (60) day suspension of the tobacco dealer's license for the fourth offense, and one thousand dollars (\$1,000.00) together with a ninety (90) day suspension of the tobacco dealer's license for the fifth offense. For the sixth offense, the tobacco dealer's license shall be revoked. If a holder of a tobacco dealer's license maintains said license for thirty-six (36) consecutive months without a violation, any new violation will be treated as a first offense. In addition to all fines, the Cranston municipal court may impose court costs. All fine money, with the exception of court costs, shall be placed in a separate account to be used by the Cranston police department for the purpose of conducting tobacco compliance checks.

(Prior code § 16-45)

5.68.060 - Use of premise during license suspension.

During the period of any suspension of tobacco dealer's license, the holder of the tobacco dealer's license shall remove all tobacco products from the shelves and secure them in a locked area for the duration of the suspension. If, at any time during the suspension period, the license holder is found to be selling, distributing, or delivering any tobacco products, the license shall be revoked.

(Prior code § 16-46)

5.68.070 - Vending machines.

Businesses which have vending machines shall be subject to the same fines and penalties as described in Section [5.68.050](#) of this chapter. Suspension of a tobacco dealer's license shall result in the vending machine being removed from the licensed location for the suspended period. Revocation will result in the permanent removal of the vending machine from the licensed location.

(Prior code § 16-47)

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## **Chapter 8.44 - SMOKING**

Sections:

[8.44.010 - Smoke-free municipal buildings and athletic and recreational facilities.](#)

[8.44.020 - Smoking or nonsmoking rooms—In hospitals.](#)

[8.44.030 - Smoking or nonsmoking rooms—Commercial establishments.](#)

[8.44.040 - Smoking or nonsmoking rooms—Waiting rooms.](#)

### **8.44.010 - Smoke-free municipal buildings and athletic and recreational facilities.**

A.

Definitions.

"Athletic and recreational facility" means any athletic or recreational facility including, but not limited to, any playing field, ballfield, basketball court, tennis court, soccer field, or playground which is owned or operated by the city.

"Municipal building" means all buildings except school buildings, owned or leased by the city, including outside areas within twenty (20) feet of same.

"Person" means any person or persons including, but not limited to, contract or other workers on municipal buildings, city employees, and the public at large.

"Tobacco product usage" means the smoking or use of any substance or item which contains tobacco, including, but not limited to, cigarettes, cigars, pipes, or other smoking tobacco or material, or having in one's possession a lighted cigarette, cigar, pipe, or other substance

containing tobacco.

B.

Tobacco product usage shall be prohibited in all municipal buildings and athletic and recreational facilities. Any person violating the provisions of this section shall be fined not more than fifty dollars (\$50.00) for each offense.

C.

Severability. If any provision of the ordinance codified in this section or the application thereof to any person or circumstances is held invalid in a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of said ordinance, and to this end the provisions of same are declared to be severable.

(Prior code § 2-6.2)

8.44.020 - Smoking or nonsmoking rooms—In hospitals.

All hospitals and extended care facilities located in the city are required to provide for their patients, rooms which shall be designated for smoking or nonsmoking. Upon admission, a patient shall be given the right to choose the type of room in which he or she desires to stay.

Hospitals and extended care facilities shall also be required to restrict the areas, in their facilities to which their visitors and employees shall be allowed to smoke, to designated smoking rooms.

(Prior code § 18-16)

8.44.030 - Smoking or nonsmoking rooms—Commercial establishments.

Commercial establishments, including but not limited to banks, supermarkets and stores, may be required, at the option of its owner, manager or any other person acting in a supervisory capacity, to restrict smoking in their establishments to specifically designated and properly ventilated smoking sections.

Adequate signs shall be posted in such banks, supermarkets, or stores indicating that smoking is prohibited except where indicated.

(Prior code § 18-16.1)

8.44.040 - Smoking or nonsmoking rooms—Waiting rooms.

No smoking shall be allowed in the waiting rooms of doctors, dentists or other health-connected practitioners during appointment hours, except where a separate waiting room for nonsmokers is available.

(Prior code § 18-16.2)