

Tiverton

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[Sec. 7-1. - Background.](#)

(a)

Cigarette smoking is dangerous to human health. There exists scientific evidence that the use of tobacco products causes cancer, heart disease, and other medical disorders.

(b)

The Surgeon General of the United States of America has declared that nicotine addiction from tobacco is the most widespread example of drug addiction in this country. The National Institute on Drug Abuse concluded that the majority of the 320,000 Americans who die each year from cigarette smoking became addicted to nicotine as adolescents.

(c)

The Rhode Island General Assembly declared that the use of tobacco by Rhode Island children is a health and substance abuse problem of the utmost severity. state tobacco retailers illegally sell over 900,000 packs of tobacco products to children annually, which equals 2,500 packs a day. According to the CDC, the smoking-related direct medical cost in the state has climbed to over \$186,000,000.00. This is a health and economic drain created by each new generation of children who begin using tobacco products and become addicted to nicotine.

(d)

The town council has the responsibility and authority to regulate, conduct and legislate on

matters of local concern affecting the public health, safety and welfare. Sitting as the board of license commissioners, the council has the authority to issue, suspend or revoke tobacco licenses when violations are presented to them.

(Ord. of 4-22-02)

[Sec. 7-2. - Definitions.](#)

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

Licensing offense means each and every time a compliance check violation occurs.

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

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

(Ord. of 4-22-02)

[Sec. 7-3. - 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 town 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. It shall also be unlawful to sell, offer, give away or deliver tobacco products from a vending machine which is not registered per the requirements which follow. Failure to obtain a license or registration shall result in a fine of \$250.00.

(Ord. of 4-22-02)

[Sec. 7-4. - License application; fee required.](#)

Application for a license hereunder shall be made in writing to the town clerk for the approval of the town council sitting as the town board of licensing commissioners. Licenses shall expire in the month of February of each year. The license fee shall be \$25.00 per year. There is no charge for vending machine registration required as stated below.

(Ord. of 4-22-02)

[Sec. 7-5. - Prohibitions applicable to purchase, sale or delivery of tobacco products to persons under 18.](#)

(a)

No person under 18 years of age shall purchase nor shall any person, firm or corporation sell, give, allow to be sold, given or delivered to any person under 18 years of age, any tobacco in the form of cigarettes, cigars, pipe tobacco, chewing tobacco, or snuff, except that persons under 18 years of age may purchase tobacco products for the purpose of law enforcement or government research involving monitoring compliance with this section, providing that the

persons under 18 years of age are supervised by an adult law enforcement official.

(b)

Any person, firm or corporation that holds a tobacco products dealer's license shall prominently display for public view at each cash register and vending machine within the outlet where tobacco products are sold, a sign referring to the age restriction for the sale of tobacco products to individuals.

(c)

No person under 18 years of age shall misrepresent his or her age through the presentation of false identification for the purpose of purchasing or receiving tobacco products.

(Ord. of 4-22-02)

[Sec. 7-6. - Regulating the operation of cigarette and tobacco vending machines.](#)

(a)

Any device or vending machine dispensing cigarettes or any other tobacco product shall be registered by the town. The registration shall be issued upon application therefor to the town clerk. Failure to register shall constitute a violation of this section.

(b)

No cigarette nor any other tobacco product shall be sold from any device or vending machine which is in an area not continuously supervised and in direct line of sight of an authorized person employed by the person, firm, or corporation that owns the business occupying the premises in which the device or vending machine is located, nor shall any tobacco product be sold from any device or vending machine which is in an area supervised by such authorized persons unless such device or vending machine is equipped with an electronic locking device which will not allow the device or vending machine to dispense a pack of cigarettes, or any other tobacco product, unless it is electronically unlocked from a secured position inaccessible to the public and under the supervision of an authorized person employed by the person, firm or corporation that owns the business occupying the premises in which the device or vending machine is located.

(c)

No cigarettes nor any other tobacco product shall be sold from any device or vending machine from which non-tobacco products are sold.

(d)

No cigarettes shall be sold in packs which contain less than 20 cigarettes.

(Ord. of 4-22-02)

[Sec. 7-7. - Suspension or revocation of license; penalties, fines and costs.](#)

(a)

The town police department shall enforce this chapter. If an alleged violation occurs, the town police department shall issue a citation that will require the violator to appear in municipal court and the holder of the tobacco dealer's license to appear before the town council sitting as the board of license commissioners. If after a hearing, it has been proven by a preponderance of the evidence that a violation is found to have occurred, the municipal court will impose a fine of \$300.00 each plus court costs for the first three violations. Further violations shall receive penalties including additional fines, suspensions or revocations as further prescribed by law. The status of the license shall be decided during the hearing by the town council sitting as the board of license commissioners.

(b)

Any person, firm or corporation who owns a business occupying the premises in which a device or vending machine which dispenses cigarettes or any other tobacco product is located who shall violate any of the provisions of [section 7-6](#) shall for each offense be subject to the same penalty provisions.

(Ord. of 4-22-02)

[Sec. 7-8. - Use of premise during license suspension.](#)

During the period of any suspension of a tobacco dealer's license, the holder of the suspended 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 tobacco products, the license shall be revoked.

Businesses which have vending machines shall be subject to the same fines and penalties as described in [section 7-7](#) of this chapter. Suspension of tobacco dealer's license shall result in the vending machine being removed from the licensed location for the suspension period. Revocation will result in the permanent removal of the vending machine from the licensed location.

(Ord. of 4-22-02)

[Sec. 7-9. - Effective date.](#)

This chapter shall take effect upon passage and publication as prescribed by law.

(Ord. of 4-22-02)

[PART III - CODE OF ORDINANCES](#) >> [Chapter 50 - OFFENSES AND MISCELLANEOUS PROVISIONS](#) >>

[Sec. 50-5. - Smoking prohibited in public buildings.](#)

(a)

All forms of tobacco or tobacco products and the smoking thereof are hereby prohibited inside all town-owned or leased buildings.

(b)

Smoking is also prohibited within 25 feet of any town-owned or leased building, except for smoking areas designated and marked by the town.

(c)

This section will be enforced pursuant to article IX, [section 902](#)(b) of the Town Charter. Any person who violates this section shall be subject to a fine consistent with the provisions of RIGL 20-20.6-2(c).

(Code 1967, § 19-10; Ord. of 11-10-03)

Cross reference— Environment, [ch. 38](#)

[Sec. 50-9. - Tobacco products, vending to underage persons.](#)

(a)

Purchase, sale or delivery of tobacco products to persons under 18.

(1)

No person under 18 years of age shall purchase nor shall any person, firm or corporation sell, give, allow to be sold, given or delivered to any person under 18 years of age, any tobacco in the form of cigarettes, cigars, pipe tobacco, chewing tobacco, or snuff, except that persons under 18 years of age may purchase tobacco products for the purpose of law enforcement or government research involving monitoring compliance with this section, providing that the persons under 18 years of age are supervised by an adult law enforcement official.

(2)

Any person, firm or corporation that holds a retail tobacco products dealer's license shall prominently display for public view at each cash register and vending machine within the outlet where tobacco products are sold, a sign referring to the age restriction for the sale of tobacco products to individuals.

(3)

No person under 18 years of age shall misrepresent his or her age through the presentation of false identification for the purpose of purchasing or receiving tobacco products.

(b)

Regulating the operation of cigarette and tobacco vending machines.

(1)

Any device or vending machine dispensing cigarettes or any other tobacco product shall be registered by the town. The registration shall be issued upon application therefor to the town clerk. Failure to register shall constitute a violation of this section.

(2)

No cigarette nor any other tobacco product shall be sold from any device or vending machine which is in an area not continuously supervised and in direct line of sight of an authorized person employed by the person, firm, or corporation that owns the business occupying the premises in which the device or vending machine is located, nor shall any tobacco product be sold from any device or vending machine which is in an area supervised by such authorized persons unless such device or vending machine is equipped with an electronic locking device which will not allow the device or vending machine to dispense a pack of cigarettes, or any other tobacco product, unless it is electronically unlocked from a secured position inaccessible to the public and under the supervision of an authorized person employed by the person, firm or corporation that owns the business occupying the premises in which the device or vending machine is located.

(3)

No cigarettes nor any other tobacco product shall be sold from any device or vending machine from which non-tobacco products are sold.

(4)

No cigarettes shall be sold in packs which contain less than 20 cigarettes.

(c)

Penalty.

(1)

Any person, firm or corporation who shall sell or allow tobacco products to be sold or delivered to any person under 18 years of age shall for the first offense be subject to a fine of \$200.00. For the second offense, he/she/it/they shall be subject to a fine of \$350.00 and/or community service and for the third and any subsequent offense be subject to fine of \$500.00, provided however, that in the event that there are no offenses in three successive years from the date of the last offense, then the next offense shall be treated as a first offense.

(2)

Any person, firm or corporation who owns a business occupying the premises in which a device or vending machine which dispenses cigarettes or any other tobacco product is located who shall violate any of the provisions of 50-9.2 shall for the first offense be subject to a fine of \$200.00, for the second offense be subject to a fine of \$350.00, and for the third and any subsequent offenses be subject to a fine of \$500.00; provided however, that in the event that there are no offenses in three successive years from the

date of the last offense, then the next offenses shall be treated as the first offense.

(Ord. of 11-13-01)

Cross reference— Tobacco, [ch. 7](#)

[PART III - CODE OF ORDINANCES](#) >> [Chapter 54 - PARKS AND RECREATION](#) >> [ARTICLE II. - RECREATION AREAS](#) >>

[Sec. 54-31. - Additional rules for open space areas.](#)

The following rules apply to all town open space areas administered by the Open Space and Land Preservation Commission:

(3)

Smoking is not permitted.

(Ord. of 10-15-02)