

Richmond RI - Local Retail Tobacco Licensing Ordinance

Adopted June 3, 2014

Chapter 5.30 RETAIL SALE OF TOBACCO PRODUCTS

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5.30.010 Purposes. The purposes of this Chapter are to protect the public health, safety and welfare by preventing sales of tobacco products to persons under eighteen (18) years of age, and to enhance the efforts of the R.I. department of behavioral healthcare, developmental disabilities and hospitals and other state and local officials to prevent the use of tobacco products by persons under eighteen (18) years of age.
(Ord. dated 6-3-14)

5.30.020 Definitions. The following words shall have the following meaning when used in this chapter:

A. "Tobacco product" means any product containing nicotine or tobacco leaf, including but not limited to cigarettes, electronic or vapor cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, and dissolvable tobacco products.

B. "Vending machine" means any mechanical, electric or electronic self-service device that dispenses tobacco products.
(Ord. dated 6-3-14)

5.30.030 License required.

A. No person, business, or establishment shall sell, offer to sell, provide for purchase from a vending machine, or give away any tobacco product without first obtaining a tobacco sales license from the town council. The tobacco sales license required by this Chapter is in addition to any license or permit required by state or federal law.

B. Sale or distribution of tobacco products without a license is punishable under section 5.04.010 of this Code.
(Ord. dated 6-3-14)

5.30.040 Application. Application for a license issued pursuant to this Chapter shall be made on a form provided by the town clerk. The fee shall be that provided in Chapter 3.06 of this Code. No license shall be issued unless the applicant is licensed by the division of taxation pursuant to title 44, chapter 20 of the general laws. (Ord. dated 6-3-14)

5.30.050 Hearing on application.

A. The license required by this Chapter shall be granted and renewed only after a public hearing.

B. The date, time, and location of the public hearing shall be advertised in a newspaper of general circulation in town, and shall be posted in two separate places in town, at least seven (7) but no more than fourteen (14) days before the date of the public hearing. The applicant shall bear the cost of the advertising. (Ord. dated 6-3-14)

5.30.060 Term. Every license issued pursuant to this Chapter shall expire on the last day of December. No license shall be transferrable to another licensee or to another location. (Ord. dated 6-3-14)

5.30.070 Sales prohibited.

A. No person, business, or establishment, or an employee or agent of a business or establishment, shall sell, offer to sell, provide for purchase from a vending machine, or give away any tobacco product to a person under eighteen (18) years of age.

B. No person, business, or establishment, or an employee or agent of a business or establishment, shall sell, offer to sell, or give away any tobacco product in any form other than an original factory-wrapped package. (Ord. dated 6-3-14)

5.30.080 Penalties. Violations of section 5.30.070 shall be punishable as follows:

A. A fine of two hundred fifty dollars (\$250) for the first violation;

B. A fine of five hundred dollars (\$500) for the second violation within any thirty-six (36) month period;

C. A fine of one thousand dollars (\$1,000) for the third violation within any thirty-six (36) month period;

D. A fine of one thousand five hundred dollars (\$1,500) for each violation in excess of three (3) within any thirty-six (36) month period.

E. If a person, business or establishment does not commit an offense for thirty-six (36) months after the date of the last offense, the next offense shall be treated as a first offense.

F. All fines collected for violations of this Chapter shall be transferred to the Town of Richmond and shall be placed in a segregated account to fund police department enforcement of this Chapter. (Ord. dated 6-3-14)

5.30.090 License suspension or revocation.

In addition to the penalties in section 5.30.070, violation of this chapter shall be punishable by license suspension or revocation pursuant to section 5.04.060 of this Code. During any license suspension, all the licensee's tobacco products shall be secured and inaccessible to employees and customers. (Ord. dated 6-3-14)

REFERENCES:

R.I. Gen. Laws §§ 11-9-13.2 through 11-9-13.19; Code sections 3.06.200; 5.04.010; 5.04.060.