

ORDINANCE 05-98

AN ORDINANCE PROHIBITING THE SMOKING, USE, OR POSSESSION OF TOBACCO BY UNDERAGE PERSONS IN THE VILLAGE OF ROCKFORD.

WHEREAS, the Council of the Village of Rockford Ohio (“Village”) is concerned with the use of cigarettes and tobacco products by underage persons in the village; and

WHEREAS, R.C. 2927.02 and 636.21 of the Codified Ordinances of the Village prohibit the sale and distribution of cigarettes and tobacco products by manufacturers, producers, distributors, wholesalers, or retailers of cigarettes or tobacco products to underage persons; and

WHEREAS, unlike alcohol, state law does not prohibit the use or possession of cigarettes or tobacco by underage persons; and

WHEREAS, the Village Council has determined it to be in the interest of the safety, health, and welfare of the Village and the entire community as a whole to prohibit the smoking, use or possession of cigarettes or tobacco products by underage persons within the Village, unless the underage person is accompanied by the underage person’s parent or spouse who is not an underage person or legal guardian.

NOW, THEREFORE, be it ordained by the Council of the Village, at least a majority of the members elected thereto concurring herein:

SECTION 1:

The Village Council has determined it to be in the interest of the Village to prohibit the smoking, use, or possession of tobacco by underage persons within the Village, unless the underage person is accompanied by, that underage person’s parent or spouse who is not an underage person or legal guardian.

SECTION 2:

For purposes of this Ordinance, the following terms are defined:

1. “Smoke” means to burn any substance containing tobacco, including a lighted cigarette, cigar, or pipe or to burn a clove cigarette.
2. “Use tobacco” means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco.
3. “Cigarettes” include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or

mixed with any other ingredient, the wrapper or cover of which is made of paper reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar tobacco.

4. "Tobacco product" or "tobacco" means any product made from tobacco, other than cigarettes, that is made for smoking or chewing, or both, and snuff.
5. "Underage person" means a person under eighteen (18) years of age.

SECTION 3:

The following shall be enacted into law to prohibit the smoking, use, or possession of tobacco by underage persons in the Village:

1. Unless otherwise permitted under this section, no underage person shall smoke or use tobacco or possess any substance containing tobacco in any public or private place in the Village.
2. Unless otherwise permitted under this section, no underage person shall order, share the cost of, purchase or attempt to purchase any cigarettes or tobacco product.
3. No person shall knowingly furnish any false information as to the name, age, or other identification of any underage person for the purpose of obtaining or with the intent to obtain any cigarettes or tobacco product for an underage person, by purchase, or as a gift.
4. No underage person shall knowingly show or give false information concerning his name, age, or other identification for the purpose of purchasing or otherwise obtaining any cigarettes or tobacco product in the Village.
5. No person shall sell or furnish any cigarettes or tobacco product to, or buy any cigarettes or tobacco product to, or buy any cigarettes or tobacco product for, an underage person, unless such cigarette or tobacco products is given by a physician in the regular line of his practice or given for established religious purposes.
6. No person who (i) is the owner or occupant of any public or private place in the Village which is not the residence of such underage person; and (ii) is not the parent or legal guardian of such underage person, shall knowingly allow any underage person to remain in or on the place while smoking, using or possessing any cigarettes or tobacco product.

SECTION 4:

A violation of this Ordinance shall be a minor misdemeanor. If the offender previously has been convicted of a violation of this Ordinance, then a subsequent violation of the Ordinance shall be a misdemeanor of the fourth degree.

SECTION 5:

This Ordinance is necessary for the welfare, protection and safety of the residents of the Village of Rockford, Ohio, and therefore shall take effect and be in force from and after the earliest period allowed by law.

PASSED THIS 15TH DAY OF JUNE 1998.