

ORDINANCE NO. 904

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MEADE, KANSAS INCREASING THE MINIMUM AGE TO PURCHASE CIGARETTES, ELECTRONIC CIGARETTES, OR TOBACCO PRODUCTS FROM 18 YEARS OF AGE TO 21 YEARS OF AGE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MEADE:

SECTION 1. The Code of the City of Meade is hereby amended by adding a section which reads as follows:

12-1.1 INCORPORATING UNIFORM PUBLIC OFFENSE CODE

- 12-1.1.1 There is hereby incorporated by reference for the purpose of regulating public offenses within the corporate limits of the City of Meade, Kansas, that certain code known as the "Uniform Public Offense Code for Kansas Cities," 2019 Edition, prepared and published in book form by the League of Kansas Municipalities, Topeka, Kansas, save and except such articles, sections parts or portions are as hereafter, omitted, deleted, modified or changed, in this Article or in the City Code, including the following:

Section 5.6. is hereby amended to read as follows:

It shall be unlawful for any person:

- (a) Who is under the age of 21 years of age to purchase or attempt to purchase cigarettes, electronic cigarettes, or tobacco products; or
- (b) Who is under the age of 21 years of age to possess or attempt to possess cigarettes, electronic cigarettes, or tobacco products. (K.S.A. Supp 79-3321:3322)

Section 5.7 is hereby amended to read as follows:

- (a) It shall be unlawful for any person to:

- 1. Sell, furnish or distribute cigarettes, electronic cigarettes, or tobacco products to any person under the age of 21 years of age; or
- 2. Buy any cigarettes, electronic cigarettes, or tobacco products for any person under 21 years of age.

- (b) It shall be a defense to a prosecution under this section if:

- 1. The defendant is a licensed retail dealer, or employee thereof, or a person authorized by law to distribute samples;
- 2. The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person under 21 years of age with reasonable cause to believe the person was of legal age to purchase or receive cigarettes, electronic cigarettes, or tobacco product; and
- 3. To purchase or receive the cigarettes, electronic cigarettes, or tobacco products, the person under 21 years of age exhibited to the defendant a driver's license, Kansas non driver's identification card or other official or apparently official document containing a photograph of the person and purporting to establish that the person was of legal age to purchase or receive the cigarettes, electronic cigarettes, or tobacco products.
- 4. For purposes of this section, the person who violates this section shall be the individual directly selling, furnishing or distributing the cigarettes, electronic cigarettes, or tobacco products to any person under 21 years of age or the retail dealer who has actual knowledge of such selling, furnishing or distributing by such individual or both.

- (c) It shall be a defense to a prosecution under this subsection if:

1. The defendant engages in the lawful sale, furnishing or distribution of cigarettes, electronic cigarettes, or tobacco products by mail; and
2. The defendant sold, furnished or distributed the cigarettes, electronic cigarettes, or tobacco products to the person by mail only after the person had provided to the defendant and unsworn declaration, conforming to K.S.A. 53-601 and amendments thereto, that the person was 21 or more years of age.

(d) As used in this section, **sale** means any transfer of title or possession or both, exchange, barter, distribution or gift of cigarettes or tobacco products, with or without consideration. (K.S.A. Supp 79-3302, 79-3321:79-3322)

Violations of this section shall constitute a Class B violation punishable by a minimum fine of \$200.

12-1.1.2 No fewer than three copies of said Uniform Public Offense Code shall be marked or stamped "Official Copy as Incorporated by City Code Section 12-1.1," with all sections or portions thereof intended to be omitted or changed clearly marked to show any such omission or change and to which shall be attached a copy of this ordinance, and filed with the City clerk to be open to inspection and available to the public at all reasonable hours.

ADOPTED AND APPROVED THIS 13th DAY OF JANUARY, 2020.

JD HEGWOOD, Mayor

ATTEST:

JANET GLEASON, City Clerk

I, Janet Gleason,, City Clerk of the City of Meade, Kansas, hereby verify and state that the foregoing is a true and correct original ordinance; that the record of final passage is found on page ____, volume “ ____ ” of the journal; that is was published in the Meade County News, the official paper on _____, 2020.

Ordinance No. 904 Summary

On January 13, 2020, the City of Meade, Kansas, passed Ordinance No. 904 . Amending the Code of the City of Meade, Kansas Increasing the Minimum Age to Purchase Cigarettes, Electronic Cigarettes, or Tobacco Products From 18 Years of Age to 21 Years of Age. A complete copy of the ordinance is available at www.cityofmeade.org or in the office of the city clerk, 132 S Fowler, free of charge. This summary is certified by the city attorney to be legal, accurate and sufficient.

CLAY A. KUHNS, City Attorney