

§ 53-1 TOBACCO VENDING MACHINES

§ 53-2

Chapter 53

TOBACCO VENDING MACHINES

§ 53-1. Title.

§ 53-2. Prohibition of tobacco sales to minors.

§ 53-3. Identification required.

§ 53-4. Prohibition of tobacco vending machines and tobacco vending machine sales.

§ 53-5. Removal of tobacco vending machines and self-service cigarette displays.

§ 53-6. Enforcement.

§ 53-7. Violations and penalties.

[HISTORY: Adopted by the Mayor and Council of the Borough of Helmetta 6-27-2001 by Ord. No. 13-2001. Amendments noted where applicable.]

§ 53-1. Title.

Chapter § 53 of the Borough Code is hereby established and entitled "Tobacco Vending Machines Prohibited."

§ 53-2. Prohibition of tobacco sales to minors.

A. It shall be unlawful to sell tobacco to a person under 18 years of age.

B. Sign requirements. The following six-inch by eight-inch sign shall be posted in a conspicuous place near each cash register in all retail establishments which sell tobacco products:

SALE OF TOBACCO PRODUCTS TO MINORS UNDER THE AGE OF 18 IS PROHIBITED BY LAW. Legal proof of age must be shown. A person who sells or offers to sell a tobacco product to a person under 18 years of age may be prosecuted in accordance with state and local ordinances.

§ 53-3. Identification required.

It shall be unlawful for a tobacco retailer to sell or permit to be sold tobacco to any individual without requesting and examining identification from the purchaser positively establishing the purchaser's age as 18 years or greater, unless the seller has some other conclusive basis for determining the buyer is over the age of 18 years.

§ 53-4. Prohibition of tobacco vending machines and tobacco vending machine sales.

- A. It shall be unlawful to offer for sale or to sell tobacco through a tobacco vending machine in the Borough of Helmetta.
- B. Self-service cigarette displays are prohibited in all retail establishments.

§ 53-5. Removal of tobacco vending machines and self-service cigarette displays.

All tobacco vending machines and self-service cigarette displays made unlawful by the terms of this chapter shall be removed within 30 days from the effective date of this chapter.

§ 53-6. Enforcement.

- A. Whenever the Health Officer, or his/her designee, reasonably believes that there exists a violation of this chapter, he/she may issue a summons and complaint not

- later than 90 days after discovery of the alleged violation. The complaint shall be written and shall state with reasonable particularity the nature of the violation, including reference to the section of the chapter alleged to have been violated. The complaint shall be delivered or sent by certified mail to the alleged violator.
- B. The Health Officer, or his/her designee, or any other person charged with enforcement of this chapter, after giving proper identification, may inspect any matter, thing, premises, place, person, record, vehicle, incident, or event as necessary.
- C. It shall be unlawful for any person to molest, willfully oppose, verbally abuse or otherwise obstruct the Health Officer, or his/her designee, who may request the assistance of the Helmetta Police Department or other peace officer when necessary to execute his or her official duty in a manner prescribed by law.
- D. Citizens may bring complaints against violators of this chapter.

§ 53-7. Violations and penalties.

- A. Unless otherwise provided by law, statute or ordinance, any person violating any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of \$250. Each day on which said violation is permitted on the premises shall result in an additional fine.
- B. Each sale of tobacco to a minor shall constitute a separate violation.