

**IN AND FOR THE CITY OF BROOKINGS  
STATE OF OREGON**

**In the matter of an ordinance known )  
as the Vendor Assisted Tobacco Sales )     *ORDINANCE NO. 01-O-543*  
Ordinance.   )**

**Sections:**

- Section 1. Title**
- Section 2. Findings**
- Section 3. Purpose**
- Section 4. Definitions**
- Section 5. Vendor Assisted Sales**
- Section 6. Scope of Ordinance**
- Section 7. Non-retaliation**
- Section 8. Penalties**
- Section 9. Severability**

**The City of Brookings ordains as follows:**

**Section 1.    Title.    This ordinance shall be known as the Vendor Assisted Tobacco Sales Ordinance.**

**Section 2.    Findings.    The City Council finds that:**

- 1.    Youth addiction to tobacco products is a public health problem with grave health consequences.**
- 2.    Tobacco use is the leading preventable cause of death in Curry County.**

- 3. Each day in Oregon, the equivalent of a classroom full of children begins smoking. In Curry County, 22% of students begin smoking before age 13, 28% of high school students smoke and 6% chew tobacco.**
- 4. More than half the tobacco retail outlets in Curry County have self-service tobacco displays where customers, including young people, have access to cigarettes, spit tobacco and cigars without the assistance of a store employee.**
- 5. Cigarettes are the item more frequently taken by shoplifters.**

**Section 3. Purpose.**

**The purpose of this ordinance is to limit the sale of tobacco products to minors by way of vendor assisted tobacco sales.**

**Section 4. Definitions.**

- 1. “Minor” - Any person under eighteen years of age.**
- 2. “Self Service Displays” - Open display of tobacco products to which the public has access without the assistance of a store employee.**
- 3. “Tobacco Product” - Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.**

4. **“Tobacco Retail Store” - A retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.**
5. **“Vendor Assisted” - Only a store employee has access to the tobacco product and assists the customer by supplying the tobacco product; the customer does not take possession of the tobacco product until after it is purchased.**

**Section 5. Vendor Assisted Sales.** Except as provided in Section 6, no person or business may sell, permit to be sold, or offer for sale any tobacco product by means of self service displays or any means other than Vendor Assisted Sales.

**Section 6. Scope of Ordinance.** This ordinance shall not apply to Tobacco Vending Machines regulated by Oregon State Law, Tobacco Retail Stores, or to any business, retailer or establishment which is licensed by the Oregon Liquor Control Commission for a dispensing license and required to be posted preventing any minors from access to the premises.

**Section 7. Non-retaliation.** No person or employee may discharge, refuse to hire or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reports or attempts to prosecute any violation of this ordinance.

**Section 8 Penalties.** Violation of this ordinance shall be punishable by a fine not to exceed two hundred and fifty dollars (\$250.00). The City Manager and the Police Department shall have the authority to enforce this ordinance.

**Section 9. Severability.** If any provision, clause, sentence or paragraph of

**this ordinance or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.**

**First Reading: January 8, 2001**

**Second Reading: January 8, 2001**

**Passage: January 8, 2001**

**Effective: February 7, 2001**

**DATED and signed by me in authentication of its passage this 8<sup>th</sup> day of January, 2001.**

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**Bob Hagbom, Mayor**

**ATTEST:**

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**Randy Reed,  
Finance Director/Recorder**