

City of Lynnwood

DEC 13 2000

SCANNED

CITY OF LYNNWOOD
ORDINANCE NO. 1678

OFFICIAL COPY

Do not remove from
the City Clerk's Office

AN ORDINANCE OF THE CITY OF LYNNWOOD REGULATING THE SALE OF TOBACCO BY USE OF VENDING MACHINES BY AMENDING CHAPTER 5.63 OF THE LYNNWOOD MUNICIPAL CODE.

WHEREAS, the City Council of the City of Lynnwood has determined to regulate tobacco vending machines in the City, and

WHEREAS, tobacco products, especially cigarettes, are often easily available to persons under the age of eighteen both through vending machines which are placed in business locations such that the business owner cannot always observe or control who is purchasing the cigarettes and through over-the-counter sales without verification of the age of the purchase, and

WHEREAS, it is illegal for tobacco products to be sold in Washington State to persons under the age of 18 years (RCW 26.28.080), but many persons are apparently unaware of this law,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1: That Section 5.63.010 and Section 5.63.040 of the Lynnwood Municipal Code which reads as follows, to wit:

5.63.010 DEFINITIONS

- A. "Vending machines" means any device or machine requiring the deposit of money or other things of value and used exclusively for the vending of merchandise.
- B. "Operator" means any person, firm or corporation who leases or rents to or places with others any vending machine.

5.63.040 LICENSE FEE

The license fees for vending machines and the operation thereof shall be fixed as follows:

- A. Operator's license, one hundred dollars per year;
- B. Vending machine license, five dollars per machine per year.

IS HEREBY REPEALED, REVISED, AND AMENDED TO READ AS FOLLOWS:

5.63.010 DEFINITIONS

- A. "Operator" means any person, firm or corporation who leases or rents to or places with others any vending machine.
- B. "Vending machines" means any device or machine requiring the deposit of money or other things of value and used exclusively for the vending of merchandise.

- C. "Tobacco Vending Machine" means and includes any machine or device designated for or used for the vending of cigarettes, cigars, tobacco, or tobacco products, upon the insertion of coins, trade checks or slugs.
- D. "Retailer" means any person, firm, association, company, partnership, or corporation who operates a store, stand, booth, concession, or other place at which sales are made to purchasers.

5.63.040 LICENSE FEE

- A. It shall be unlawful for any retailer within the City of Lynnwood to have or permit vending machines and/or tobacco vending machines which do not bear evidence that they have been licensed for use at that location by the City of Lynnwood.
- B. A operator license fee is hereby fixed at \$100 per year.
- C. A vending machine license fee (other than tobacco) is hereby fixed at \$5.00 per year.
- D. A tobacco vending machine license is hereby fixed at \$25.00 per year (as of January 1, 1990).

Section 2. That chapter 5.63 of the Lynnwood Municipal Code is hereby amended by adding the following sections:

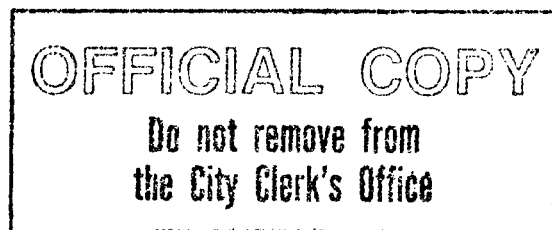
5.63.050 TOBACCO VENDING MACHINE LICENSE (effective June 1, 1989)

No tobacco vending machine shall be issued a license unless it shall be either,

- (1) To be located in an area not accessible to individuals under the age of eighteen years of age; or
- (2) The machine is remotely controlled by a switch which shall be inaccessible to the customer; and shall render the machine inoperable until activated for each sale to the public, or
- (3) The machine is to be located in a work place where the general public is not usually admitted and where such machines are for the use of the employees therein; in such cases it shall be the responsibility of the management to prevent access to the machine by persons under the age of eighteen years of age.

5.63.060 VIOLATION-PENALTY

The penalty for the violation of this chapter shall be a fine of not more than \$300.00, provided that each day this chapter is violated shall constitute a separate violation hereof.



5.63.070 ENFORCEMENT

1. The licensing authority and/or law enforcement personnel are authorized and directed to enforce the terms and provisions of this title.
2. If the licensing authority is made aware of sales/purchases of tobacco to persons under the age of eighteen years of age from a particular location, then the license for a machine at that location may be revoked or denied by the licensing authority.

Section 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity of constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.


Section 4. This ordinance shall take effect five (5) days after its passage, approval and publication.

PASSED this 16th day of March, 1989, and signed in authentication of its passage this 16th day of March, 1989.



M. J. HRDLICKA, Mayor

ATTEST:



R. W. NOACK, City Clerk

APPROVED AS TO FORM:



J. GAYLORD RIACH, City Attorney

PUBLISHED: MARCH 21, 1989

