

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2011-13

No. 224 AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED LICENSES BY ADDING THERETO ARTICLE XV, ENTITLED TOBACCO DEALERS.

Approved April 13, 2011

Be it ordained by the City of Providence:

SECTION 1. Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended by adding thereto the following article:

ARTICLE XV. TOBACCO DEALERS

Sec. 14-300. Definitions.

"Board of Licenses" shall mean the Providence Board of Licenses as established by Sec. 1102 of the Providence Home Rule Charter of 1980.

"Compliance check violation" shall mean any sale of tobacco products to a person who is less than eighteen (18) years of age.

"Tobacco products" shall mean any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, orbs, sticks and dissolvable tobacco products.

"Vending machines" shall mean any mechanical, electric or electronic self service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

Sec. 14-301. License required.

It shall be unlawful to sell, distribute, deliver, offer for sale, or give away, or to possess with the intention of selling, distributing, delivering, offering for sale, or giving away tobacco products within the city without having first obtained a tobacco dealer's license pursuant to this article. Such license shall be in addition to any other license required by state and/or federal law. Failure to obtain a license shall result in a fine of five hundred dollars (\$500.00). Fee for the city license shall be one hundred dollars (\$100.00) per year. All licenses granted under the provisions of this article shall be displayed in a conspicuous place within the business so licensed.

Sec. 14-302. License application.

A Providence tobacco dealer's license shall be made in writing to the Board of Licenses together with an application fee of one hundred dollars (\$100.00). Any license issued pursuant to this article shall be issued by the Board of Licenses for up to twelve (12) months. All tobacco dealer's licenses shall expire together on the last day of December. Any individual, corporation, partnership, retailer, or any other organization shall obtain a valid state tobacco license and provide proof thereof prior to approval for a Providence tobacco dealer's license.

Sec. 14-303. Prohibitions applicable to license holders, their employees and agents.

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling, distributing, delivering, offering for sale, or giving away, or possessing with the intention of selling, distributing, delivering, offering for sale, or giving away tobacco products within the city to any individual that is under eighteen (18) years of age, whether said tobacco is sold, distributed or delivered in person or via vending machine.

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling as a single cigarette sale, or as a sale of cigarettes by the individual piece, known as "loosies."

Sec. 14-304. Suspension or revocation of license--Fines and costs.

The Providence police department shall enforce the provisions of this article. All tobacco dealer's license holders shall be subject to a compliance check at least twice a year with violators being checked more frequently until two consecutive checks are completed without a violation. If an alleged violation occurs, the Providence police department shall issue a citation that will require the tobacco dealer's license holder to appear in for a show cause hearing before the Board of Licenses. If, after a hearing, the Board finds that a violation has occurred, the Board shall impose a civil fine of two hundred fifty dollars (\$250.00) for the first offense, three hundred fifty dollars (\$350.00) for the second offense, and five hundred dollars (\$500.00) for any subsequent offense. Additionally, the Board may suspend or revoke the license. If a holder of a tobacco dealer's license maintains said license for thirty-six (36) consecutive months without a violation, any new violation will be treated as a first offense.

It is the intent of this legislation that all fines collected by the City hereunder shall be used by the Board of Licenses and the Police Department for the purpose of conducting tobacco compliance checks.

Sec. 14-305. Use of premise during license suspension.

During the period of any suspension of a tobacco dealer's license, the holder of the tobacco dealer's license shall remove all tobacco products from the retail display area of the location and secure them in a locked area for the duration of the suspension. If, at any time during the suspension period, the license holder is found to be selling, distributing, or delivering any tobacco products, the license shall be revoked.

Sec. 14-306. Vending machines.

Businesses which have vending machines shall be subject to the same fines and penalties as described in Section 14-304 of this article. In the event that a tobacco dealer's license is suspended or revoked, then the vending machine shall be removed from the licensed location for the period of suspension or revocation.

Sec. 14-307. Severability.

If any provision of this article, or application thereof to any person or circumstances, is held unconstitutional, illegal, or otherwise invalid, the remaining provisions of this article and the application of such provisions to other persons or circumstances, other than those to which it is held invalid, shall not be affected thereby.

SECTION 2. This Ordinance shall take effect December 1, 2011.

IN CITY COUNCIL
MAR 17 2011
FIRST READING
READ AND PASSED

Cep M. Stets
CLERK

IN CITY
COUNCIL
APR - 7 2011
FINAL READING
READ AND PASSED

M. S. [Signature]
PRESIDENT
Cep M. Stets
CLERK

APPROVED

[Signature]

MAYOR

4/13/11