

TOWN OF BARRINGTON

Ordinance 2017-7

PART II, GENERAL LEGISLATION

Chapter 170 Sale of Tobacco

The Code of the Town of Barrington is hereby amended as follows:

**§ 170-1. Definitions.**

*Board of licenses* means the Barrington Town Council sitting as the Board of License Commissioners.

*Person* means any natural person, partnership, firm, joint stock company, corporation, or employee thereof, or other legal entity.

*Sale or sell* means any transfer, exchange, barter, gift, offer for sale, or distribution, in each case for a commercial purpose, in any manner or by any means whatsoever.

*Tobacco product* means : (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; and (2) any device that delivers nicotine to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah. Notwithstanding any provision of clauses (1) and (2) in this definition to the contrary, tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes.

**§ 170-2. License required.**

It shall be unlawful to sell or to possess with the intention of selling tobacco products within the town without 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. A tobacco dealer's license is valid for one person at one location and may not be transferred from one person to another or from one location to another. Failure to obtain and maintain a valid license shall result in a fine of five hundred dollars (\$500). The fee for the tobacco dealer's license shall be ten dollars (\$10) per year. All licenses granted under the provisions of this article shall be displayed in a conspicuous place within the business so licensed.

**§ 170-3. License eligibility.**

Licenses shall only be granted to authorize the sale of tobacco products within the town at a fixed location. For example, the sale of tobacco products by persons on foot or from vehicles is prohibited.

**§ 170-4. License application; term.**

Application for a license shall be submitted to the board of licensees together with an application fee of ten dollars (\$10). A tobacco dealer's license shall be effective through the thirty-first day of December of the calendar year for which it is issued. No license shall be granted without proof that the applicant has obtained all necessary state licenses for the sale of tobacco products.

**§ 170-5. Requirements and prohibitions applicable to licensees.**

- (a) A person shall not sell any tobacco product to any individual under the age of twenty-one (21) years.
- (b) No licensee, or employee or agent of such licensee, shall sell or possess with the intention of selling a tobacco product to another person who appears to be under the age of twenty-seven (27) years without first

examining the identification of the recipient to confirm that the recipient is at least the minimum age under this section to purchase and possess the tobacco product.

**§ 170-6. Suspension or revocation of license - fines and costs.**

The Barrington Police Department shall enforce the provisions of this article. If an alleged violation occurs, the Barrington Police Department shall issue a citation that will require the licensee to appear for a show cause hearing before the board of licensees. 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) for the first offense, and five hundred dollars (\$500) for any subsequent offense. Additionally, the board may suspend or revoke such tobacco dealer's license for a violation of this chapter subsequent to a first offense. If a licensee maintains its license for thirty-six (36) consecutive months without a violation, any new violation shall be treated as a first offense. It is the intent of this legislation that all fines collected by the town hereunder shall be used by the board of licensees and the Barrington Police Department for the purpose of conducting tobacco product compliance checks.

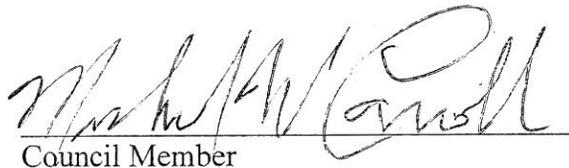
**§ 170-7. Use of premises during license suspension.**

During the period of any suspension of a tobacco dealer's license, the licensee 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 licensee is found to be selling, distributing, or delivering any tobacco products, the license shall be revoked.

**§ 170-8. 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.

This ordinance shall take effect ninety (90) days following its passage.

  
Council Member

Filed: April 25, 2017

Introduced: May 1, 2017

Amended: \_\_\_\_\_

Adopted: \_\_\_\_\_