

TOBACCO ORDINANCE NO: 32

THE COUNTY BOARD OF THE COUNTY OF LINCOLN, MINNESOTA, HEREBY ORDAINS:

SECTION 1. LICENSE.

- A. No person shall keep for retail sale, sell at retail or otherwise dispose of any tobacco product at any place in the County without first obtaining a license from the County. "Tobacco" is defined as and includes: cigarettes; cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts, refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.
- B. The annual license fee for a retail tobacco license shall be set by resolution of the County Board. All retail tobacco licenses shall be valid for one calendar year for the time period of January 1st to December 31st of each year. No additional fees shall be required of any licensee who has obtained a tobacco license for the calendar year 1998 issued by any jurisdiction at the time of the adoption of this ordinance.
- C. Every license shall be conspicuously posted at the place for which the license is issued and shall be exhibited to any person upon request.

SECTION 2. SALES PROHIBITED TO MINORS.

No person shall sell or offer to sell any tobacco or tobacco product to any person under eighteen (18) years of age.

SECTION 3. ADMINISTRATIVE PENALTIES.

- A. If a licensee or employee of a licensee sells tobacco to a person under the age of 18 years, or violates any other provision of this ordinance, the licensee shall be charged an administrative penalty of \$75.00. An administrative penalty of \$200.00 must be imposed for a second violation at the same location within 24 months after the initial violation. For a third violation at the same location within 24 months after the initial violation, an administrative penalty of \$250.00 must be imposed, and the licensee's authority to sell tobacco at that location must be suspended for not less than seven days. No suspension or penalty may take effect until the licensee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the County to conduct the hearing.
- B. An individual who sells tobacco to a person under the age of 18 years must be charged an administrative penalty of \$50.00. No penalty may be imposed until the individual has received notice, served personally or by mail, of the alleged

violation and an opportunity for a hearing before a person authorized by the County to conduct the hearing.

- C. It is an affirmative defense to the charge of selling tobacco to a person under the age of 18 years in violation of this ordinance that the licensee or individual making the sale relied in good faith upon proof of age as follows:
1. A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or
 2. A valid military identification card issued by the United States Department of Defense; or
 3. In the case of a foreign national, from a nation other than Canada, by a valid passport.

SECTION 4. SELF-SERVICE SALES.

- A. No licensee shall offer for sale single packages of cigarettes or smokeless tobacco in open displays which are accessible to the public without the intervention of a store employee.
- B. Cartons and other multipack units may be offered and sold through open displays accessible to the public.
- C. Section 4(B) of this ordinance will expire upon the effective date and implementation of Code of Federal Regulations, Title 21, Part 897.16(c).
- D. The self-service restrictions described in this Section 4 shall not apply to retail stores which derive at least 90% of their revenue from tobacco and tobacco related products and which cannot be entered at any time by persons younger than 18 years of age.

SECTION 5. VENDING MACHINE SALES.

No person shall sell tobacco products from vending machines. This section does not apply to vending machines in facilities that cannot be entered at any time by persons younger than 18 years of age.

SECTION 6. PERSONS INELIGIBLE FOR LICENSE.

The County shall conduct unannounced compliance checks at least once each calendar year at each location where tobacco is sold to test compliance with Minnesota Statutes Section 609.685. Compliance checks shall utilize minors over the age of 15, but under the age of 18, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco under the direct supervision of a law enforcement officer or an employee of the licensing authority.

Affidavit of Publication

upon proof of age as follows:

1. A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed person; or
2. A valid military identification card issued by the United States Department of Defense; or
3. In the case of a foreign national, from a nation other than Canada, by a valid passport.

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This ordinance shall become effective after its passage and publication.

Dated: May 19, 1998.

Lincoln County Board of Commissioners
BY: /s/ Robert Bloch
Chairman

ATTEST:

/s/ D.D. Sagmoe
D.D. Sagmoe
Lincoln County Auditor

Published in the Tyler Tribute on June 25, 1998.

2x

State of Minnesota)
) ss
County of Lincoln)

Charles R. Hunt, being duly sworn, on oath says that he is the publisher or authorized agent and employee of the publisher of the newspaper known as The Tyler Tribute, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Legal Notice, Tobacco Ordinance No. 32, Lincoln County

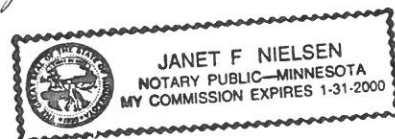
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive weeks; it was first published on Thursday, the 25th day of June, 19 98, and was thereafter printed and published on every Thursday to and including Thursday, the _____ day of _____, 19 ____; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

a b c d e f g h i j k l m n o p q r s t u v w x y z

BY: Charles R. Hunt
TITLE: Publisher

Subscribed and sworn to before me on this 25th day of June, 19 98.

Janet F. Nielsen Notary Public



TOBACCO ORDINANCE
THE COUNTY BOARD OF THE COUNTY OF LINCOLN

SECTION 1. LICENSE.

A. No person shall keep for retail sale, a tobacco product at any place in the County of Lincoln. "Tobacco" is defined as and includes: perique; granulated, plug cut, crimp cut, ream snuff; snuff flour; Cavendish; plug and twist tobaccos; shorts, refuse scraps, clippings, cut, or other kinds and forms of tobacco, prepared for chewing or smoking in a pipe or other tobacco pipe.

B. The annual license fee for a retail tobacco license shall be as determined by the Lincoln County Board. All retail tobacco licenses shall be issued for the time period of January 1st to December 31st of each year.

C. Every license shall be conspicuously posted and shall be exhibited to any person upon request.

SECTION 2. SALES PROHIBITED TO MINORS.

No person shall sell or offer to sell any tobacco product to any person under eighteen (18) years of age.

SECTION 3. ADMINISTRATIVE PENALTIES.

A. If a licensee or employee of a licensee sell tobacco to a person under the age of 18 years, or violates any other provision of this ordinance, he or she shall be charged an administrative penalty of \$75.00. A second violation shall be charged an administrative penalty of \$150.00. A third violation shall be charged an administrative penalty of \$225.00. For a fourth violation, an administrative penalty of \$300.00 shall be charged. No suspension or penalty may take effect until the licensee or employee has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the County Board.

B. An individual who sells tobacco to a person under the age of 18 years in violation of this ordinance shall be charged an administrative penalty of \$50.00. If an individual has received notice, served personally or by mail, of the alleged violation and an opportunity for a hearing before a person authorized by the County Board.

C. It is an affirmative defense to the charge of a violation of this ordinance that the sale relied in good faith upon proof of age as follows:

- 1. A valid driver's license or identification card issued by another state, or a province of Canada, and including the name of the licensed person; or
- 2. A valid military identification card issued by the Department of Defense; or
- 3. In the case of a foreign national, from a national passport.

SECTION 4. SELF-SERVICE SALES.

A. No licensee shall offer for sale single pack tobacco in open displays which are accessible to the public by a store employee.

B. Cartons and other multipack units may be offered for sale in open displays which are accessible to the public.

C. Section 4(B) of this ordinance will expire on the date of implementation of Code of Federal Regulations, Title 27, Part 1010.101.

D. The self-service restrictions described in this ordinance shall apply to all tobacco products and which cannot be entered at any time by a person under the age of 18 years.

SECTION 5. VENDING MACHINE SALES.

No person shall sell tobacco products from vending machines in facilities that are accessible to persons younger than 18 years of age.

SECTION 6. PERSONS INELIGIBLE FOR LICENSE.

The County shall conduct unannounced compliance checks on each location where tobacco is sold to persons under the age of 18, who, with the prior approval of the enforcement officer or an employee of the licensing authority, attempt to purchase tobacco under the provisions of this ordinance.

This ordinance shall become effective after its passage. Dated: May 19, 1998. Lincoln County Board of Commissioners

BY: /s/ Robert Bloch
Chairman
ATTEST: /s/ D. D. Sagmoe
D. D. Sagmoe
Lincoln County Auditor

Published in the June 25, 1998 Ivanhoe Times.

Grade 10
Kyle Bunjer
Tammy Fryer
Amy Mulder
Carrie Popowski

Grade 7
Timothy Appel
Laura Eidem
Garret Engelstad
Billy Frensko
Andrew Gilligan
Sara Johnson
Alicia Lawrence
Lacy Leibfried
Adam Nickolite
Donald Pavek

Grade 10
Kyle Bunjer
Amanda Dritz
Tammy Fryer
Brett Lawrence
Teri Moe
Amy Mulder
Carrie Popowski
Stacy Sheik

Affidavit of Publication

STATE OF MINNESOTA
{ SS
County of Lincoln}

Brent and Ellen Beck, being duly sworn, on oath state that they are the co-publishers of this newspaper, The Ivanhoe Times, and have full knowledge of the facts which are stated below.

(A) The newspaper has complied with all the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331.... and other applicable laws, amended.

(B) The printed clipping which is attached was cut from the columns of said newspaper and was printed and published once each week, for 1 successive weeks; it was first published on Thursday, the 25th day of June, 1998 and was thereafter printed and published on every Thursday to and including Thursday the — day of —, 19—.

By: Ellen A. Beck
Publisher: Ivanhoe Times

Subscribed and sworn to me on this 25th day of June, 1998.

Paul Kon
Notary Public

CERTIFICATE OF MEASUREMENT

I hereby certify that the legal notice entitled: Tobacco Ordinance No. 32 as published in the Ivanhoe Times on the date(s) of June 25, 1998 measures as follows: 20 inches of composition at \$ 6 per inch at 1 times, equals \$ 120