

## **TITLE XI: BUSINESS REGULATIONS**

Chapter

**110. GENERAL REGULATIONS**

**111. TOBACCO VENDING MACHINES**

**Millersburg - Business Regulations**

## CHAPTER 110: GENERAL REGULATIONS

### Section

110.01 Advertising signs

110.02 Playing or conducting of a social game in a private business, private club or in a place of public accommodation

110.99 Penalty

### ' 110.01 ADVERTISING SIGNS.

(A) No person or organization may erect or maintain an outdoor advertising sign, except after receiving express written permission by the City Council, and except an on-premise sign, within the city limits.

(B) This section is intended to prevent the construction of advertising signs following the date of passage and approval of this section.

(C) *ON-PREMISE SIGN* is defined as meaning a sign which advertises only the activities conducted on the premises, or the sale or lease of the property on which the sign is located.  
(Ord. 34, passed 4-8-1980) Penalty, see ' 110.99

### ' 110.02 PLAYING OR CONDUCTING OF A SOCIAL GAME IN A PRIVATE BUSINESS, PRIVATE CLUB OR IN A PLACE OF PUBLIC ACCOMMODATION.

Pursuant to O.R.S. 167.121, the city hereby authorizes by this section the playing or conducting of a social game in a private business, private club or in a place of public accommodation located within the city.

(Ord. 103, passed 11-9-2010)

### ' 110.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

**Millersburg - Business Regulations**

(B) A violation of ' 110.01 shall constitute a misdemeanor, and any person, corporation, company, organization or association who violates ' 110.01 may be subject to a fine of up to \$100 per day for each day the violation occurs and/or continues, may be enjoined from continued or further violations, and may be required to remove the sign. The city shall have the right to remove the offending sign, and should the city do so, then the costs of said removal shall be paid by the owner of the land on which said sign is located, which said costs shall constitute a lien on the real property upon which the sign is located collectible by statutory foreclosure procedures or by a civil action on a debt.

(Ord. 34, passed 4-8-1980)

## CHAPTER 111: TOBACCO VENDING MACHINES

### Section

- 111.01 Purpose
- 111.02 Additions
- 111.03 Title
- 111.04 Definitions
- 111.05 Prohibition
- 111.06 Exceptions
- 111.07 Defense
- 111.08 Violations
- 111.09 Application of regulations

#### ' 111.01 PURPOSE.

The purpose of this chapter is to promote the health and welfare of the citizens of the city by limiting the availability of cigarettes and tobacco products to children under the age of 18 years by restricting the placement of vending machines that dispense cigarettes or tobacco products.  
(Ord. 66, passed 2-13-1990)

#### ' 111.02 ADDITIONS.

Sections 111.03 through 111.09 are added to and made a part of Title XI of this code..  
(Ord. 66, passed 2-13-1990)

#### ' 111.03 TITLE.

This chapter is entitled and may be cited as the ACity of Millersburg Tobacco Vending Machine Ordinance@.  
(Ord. 66, passed 2-13-1990)

#### ' 111.04 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

## Millersburg - Business Regulations

**ACCESSIBLE TO PERSONS UNDER THE AGE OF 18 YEARS.** No prohibition exists to the entry upon premises, or a discrete portion of premises, by persons who have not attained the age of 18 years.

**CIGARETTE.** Has the meaning set out in O.R.S. 323.010(1).

**IN DIRECT VIEW.** A person in charge of the tobacco vending machine, while at the person's primary work station, can see the facial features of a person who operates the vending machine.

**PRIMARY WORK STATION.** The place or area where a person spends substantially all of the person's time.

**TOBACCO PRODUCTS.** Has the meaning set out in O.R.S. 323.500.

**TOBACCO VENDING MACHINE.** Any selfservice device offered for public use which, upon insertion of a coin, coins, currency or token, or by other means, dispenses cigarettes or any tobacco product, either in bulk or package, without the necessity of replenishing the device between each vending operation.

**UNDER CONTROL OF A PERSON IN CHARGE.** The tobacco vending machine was:

(1) In direct view of; and

(2) Within 25 feet of a person who owns the tobacco vending machine or who has the right to control the use of the premises where the tobacco vending machine is located, or an employee of either who is charged with the duty to prevent persons under 18 years of age from obtaining cigarettes or tobacco products from the tobacco vending machine.

(Ord. 66, passed 2-13-1990)

### ' 111.05 PROHIBITION.

(A) It shall be unlawful for any person in possession of any premises located within the city to place or allow to be placed on said premises any tobacco vending machine.

(B) It shall be unlawful for any person who owns or controls a tobacco vending machine to place or allow to be placed such tobacco vending machine at premises within the city.

(Ord. 66, passed 2-13-1990) Penalty, see ' 10.99

### ' 111.06 EXCEPTIONS.

The prohibition of ' 111.05 shall not apply to premises or to tobacco vending machines on premises that are:

## **Tobacco Vending Machines**

(A) Licensed by the State Liquor Control Commission for onpremises consumption of alcoholic beverages or as a retail liquor store;

(B) Maintained for the use of employees and not open to the public;

(C) No accessible to persons under the age of 18 years;

(D) Under the control of a person in charge of the tobacco vending machine; and

(E) Configured in a way that will allow a blind person, as that term is defined in O.R.S. 346.110(3), who has training and skills that enable the blind person to determine if a person obtaining cigarettes or any tobacco product from a tobacco vending machine is under 18 years of age, and which blind person is in control of the tobacco vending machine.

(Ord. 66, passed 2-13-1990)

### **' 111.07 DEFENSE.**

(A) In any prosecution for violation of ' 111.05, it shall be an affirmative defense that the premises are not accessible to persons who are under 18 years of age.

(B) In any prosecution for violation of ' 111.05, it shall be an affirmative defense that the tobacco vending machine was under the control of a person in charge of the tobacco vending machine.

(Ord. 66, passed 2-13-1990)

### **' 111.08 VIOLATIONS.**

Violation of ' 111.05 is a Class A infraction.

(Ord. 66, passed 2-13-1990) Penalty, see ' 10.99

### **' 111.09 APPLICATION OF REGULATIONS.**

Inasmuch as the provisions of this chapter are necessary for the immediate preservation of peace, health and safety of the people of the city, an emergency is hereby declared to exist, and this chapter shall be in full force and effect immediately upon its passage by the City Council and approval by the Mayor.

(Ord. 66, passed 2-13-1990)

**Millersburg - Business Regulations**



## **Tobacco Vending Machines**