



City of Grand Island

Tuesday, January 28, 2020

Council Session

Item F-4

#9758 - Consideration of Amending Chapter 20 of the Grand Island City Code Relative to Tobacco

Staff Contact: Stacy Nonhof, Interim City Attorney

Council Agenda Memo

From: Stacy R. Nonhof, Interim City Attorney

Meeting: January 28, 2020

Subject: Amending Chapter 20 of City Code to amend the age of Minor in Possession of Tobacco

Presenter(s): Stacy R. Nonhof, Interim City Attorney

Background

President Trump recently changed the age from 18 to 21 to legally possess and purchase tobacco and tobacco products.

Discussion

This ordinance amends Chapter 20 of City Code, Minor in Possession of Tobacco to increase the age of legally possessing tobacco products, vapor products or alternative nicotine products in the City of Grand Island from 19 to 21. This ordinance make the City compliant with Federal Law on the age for legally possessing these products.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the Ordinance amending Chapter 20 of City Code.

Sample Motion

Move to approve the Ordinance.

ORDINANCE NO. 9758

An ordinance to amend Chapter 20 of Grand Island City Code; to amend Section 20-20; Tobacco; Possession By Minors, to clarify and/or make general corrections to various code sections, to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 20-20 of the Grand Island City Code is hereby amended to read as follows:

§20-20. Tobacco; Possession By Minors

(A) It shall be unlawful for any person under the age of ~~nineteen (19)~~ twenty-one (21) years to possess any tobacco products, vapor products or alternative nicotine products.

(B) It shall not be unlawful for any person under the age of ~~nineteen (19)~~ twenty-one (21) years to:

(1) Possess tobacco products, vapor products or alternative nicotine products under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home.

(2) Sell or handle any unopened container of tobacco products, vapor products or alternative nicotine products in the course of his or her employment by a tobacco licensee; or

(3) Possess or purchase tobacco products, vapor products or alternative nicotine products for the purpose of testing or enforcing compliance with statutes, laws or ordinances governing the sale of tobacco products, vapor products or alternative nicotine products as long as law enforcement is conducting the compliance check.

(C) Any person violating the provisions of this section shall be fined according to the provisions of the Grand Island City Code.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

Approved as to Form	<input type="checkbox"/>	_____
January 23, 2020	<input type="checkbox"/>	City Attorney

ORDINANCE NO. 9758(Cont.)

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: January 28, 2020.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk