

There came on for consideration at a duly constituted meeting of the Mayor and Members of the City Council of the City of Long Beach, Mississippi, the following Ordinance:

**ORDINANCE NO. 464**

**AN ORDINANCE OF THE CITY OF LONG BEACH, MISSISSIPPI, PROHIBITING THE PURCHASE AND/OR POSSESSION AND/OR USE OF TOBACCO AND/OR TOBACCO PRODUCTS BY PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS, PROHIBITING THE MISREPRESENTATION OF AGE BY PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS FOR THE PURPOSE OF OBTAINING TOBACCO AND/OR TOBACCO PRODUCTS, AND PROHIBITING THE PURCHASE AND/OR POSSESSION AND/OR USE OF TOBACCO AND/OR TOBACCO PRODUCTS ON SCHOOL PROPERTY AND/OR AT SCHOOL SPONSORED ACTIVITIES BY STUDENTS AND PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS.**

WHEREAS, the Mayor and City Council of the City of Long Beach ("Governing Authority"), pursuant to Miss. Code Ann. §21-17-5 (Supp. 1998), is authorized to adopt ordinances with respect to municipal affairs which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and,

WHEREAS, the Governing Authority, pursuant to Miss. Code Ann. §21-19-1 (Supp. 1998), is authorized to make regulations to secure the general health of the municipality; and,

WHEREAS, federal and state law, specifically Miss. Code Ann. §97-32-1 (Supp. 1998), make it unlawful for persons under the age of eighteen (18) years to purchase and/or possess and/or use tobacco and/or tobacco products; and,

WHEREAS, the Governing Authority has the duty to protect and promote the public health, safety and welfare of its citizenry, especially those citizens under the age of eighteen (18) years; and,

WHEREAS, the Governing Authority, in order to promote and protect the health of its citizenry, finds that addiction to tobacco and/or tobacco products by persons under the age of eighteen (18) years is a serious public health problem with grave personal health consequences; and,

WHEREAS, the Governing Authority finds that the Surgeon General of the United States has declared that nicotine addiction from tobacco and/or tobacco products is similar to addiction to cocaine and is the most widespread example of drug dependency in the United States; and,

is rationally related to these aforementioned purposes, is narrowly tailored to be only as restrictive as needed to effect these purposes, is not arbitrary and capricious, and is necessary to the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LONG BEACH, MISSISSIPPI, THAT AN ORDINANCE PROHIBITING THE PURCHASE AND/OR POSSESSION AND/OR USE OF TOBACCO AND/OR TOBACCO PRODUCTS BY PERSONS UNDER THE AGE OF EIGHTEEN (18) YEARS, AND RELATED MATTERS, BE ADOPTED AS FOLLOWS, TO-WIT;

**SECTION 1. Definitions:**

A. "Dealer" shall mean every person, firm, corporation, or association of persons, except retailers as defined herein, who receives the product from the manufacturer of tobacco and/or tobacco products for distribution, for sale, for use, or for consumption in the State of Mississippi.

B. "Retailer" shall mean every person, company, corporation, partnership, business association, joint venture, estate, trust, or any other combination acting as a unit or legal entity other than a wholesale dealer as defined in Miss. Code Ann. §97-32-2 (Supp. 1998), whose business is that of selling merchandise at retail, who shall sell or offer for sale tobacco and/or tobacco products to the consumer.

C. "School Property" shall mean any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local school board, school board of trustees, or board of directors for the administration of any public or private education institution. School property, for the purposes of this Ordinance, shall not include any public or private junior college, college, or university, or any sixteenth section school land or lieu land on which there is not located a school building, school campus, recreational area, or athletic field.

D. "School Sponsored Activity" shall mean any school sponsored event for athletic, academic, musical, social, or entertainment purpose, attended by students, including any transportation to and from such an event provided by the school, regardless of whether such activity is held on school property..

**SECTION 4. Use of Tobacco and/or Tobacco Products by Persons Under the Age of Eighteen (18) Years Prohibited.**

It shall be unlawful for any person under the age of eighteen (18) years to use any tobacco and/or tobacco product within the corporate limits of the City of Long Beach.

**SECTION 5. Use of Tobacco and/or Tobacco Products on School Property and/or at School Sponsored Activities by Persons Under the Age of Eighteen (18) Years Prohibited.**

It shall be unlawful for any person under the age of eighteen (18) years or any student to use tobacco and/or tobacco products on school property and/or at any school sponsored activity within the corporate limits of the City of Long Beach.

**SECTION 6. Misrepresentation of Age for Purchase and/or Possession of Tobacco and/or Tobacco Products Prohibited.**

It shall be unlawful for any person under the age of eighteen (18) years to falsely state that he or she is eighteen (18) years of age or older, or to present any form or means of identification which falsely states that he or she is eighteen (18) years of age or older, for the purpose of purchasing and/or possessing tobacco and/or tobacco products within the corporate limits of the City of Long Beach.

**SECTION 7. Purchase of Tobacco and/or Tobacco Products by Persons Under the Age of Eighteen (18) Years Prohibited.**

It shall be unlawful for any person under the age of eighteen (18) years to purchase or attempt to purchase tobacco and/or tobacco products within the corporate limits of the City of Long Beach.

**SECTION 8. Violation of Ordinance by Persons Under the Age of Eighteen**

Any person under the age of eighteen (18) years who is found guilty of violating this ordinance shall be punished as follows:

1st Offense- \$25.00 fine, or up to thirty (30) hours of community service, or both;

**SECTION 11. Conflicting Ordinances, Resolutions, and Orders Revealed.**

All ordinances, resolutions, and orders in conflict with this Ordinance are hereby repealed to the extent of the conflict on the effective date of this Ordinance.

**SECTION 12. Effective Date of Ordinance.**

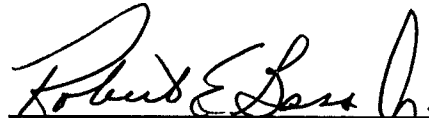
This Ordinance shall become effective thirty (30) days after its adoption and enactment according to law and is published in accordance with the law.

The above and foregoing Ordinance No. 464 was introduced in writing by Alderman McNary, who moved its adoption. Alderman Levens seconded the motion to adopt said Ordinance; and after discussion, no member of the Board having requested that the Ordinance be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Louis Elias	voted	<u>Present</u> , Not Voting
Alderman Tim Pierce	voted	<u>Aye</u>
Alderman Jimmy Levens	voted	<u>Aye</u>
Alderman Mike Bohlke	voted	<u>Aye</u>
Alderman Joseph McNary	voted	<u>Aye</u>
Alderman Billy Skellie	voted	<u>Aye</u>
Alderman Richard Bennett	voted	<u>Aye</u>

The motion having received the affirmative vote of the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance No. 464 adopted this the July day of 16th, 1999

**APPROVED:**

  
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 ROBERT E. BASS, JR., Mayor

**ATTEST:**

  
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 REBECCA E. SCHRUFF, City Clerk