

Applied to licensees  
3-18-15

ORDINANCE NO. 913

AN ORDINANCE AMENDING TITLE XIII, CHAPTER 131 SECTION 131.05 OF THE CODE OF ORDINANCES RELATING TO PUBLIC PROTECTION, HEALTH AND SAFETY; PROHIBIT THE USE BY MINORS AND SALE TO MINORS OF VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS; TO PROHIBIT THE SALE OF CERTAIN TOBACCO, VAPOR, AND NICOTINE PRODUCTS THROUGH A VENDING MACHINE OR SELF-SERVICE DISPLAY AS PRESCRIBED; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOTHENBURG, NEBRASKA:

Section 1. TITLE XIII, CHAPTER 131 SECTION 131.05 OF THE CODE OF ORDINANCES is hereby repealed.

Section 2. The following provisions are hereby adopted as section 131.05 of Chapter 131 Title XIII of the Code of Ordinances:

**USE OF TOBACCO BY MINORS.**

Whoever, being a minor under the age of 18 years, shall smoke cigarettes or cigars, use vapor products or alternative nicotine products, or use tobacco in any form whatever, in this (city), shall be guilty of an offense. Any minor charged with a violation of this section may be free from prosecution if he or she furnishes evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, vapor products, alternative nicotine products, or tobacco.

(Neb. RS 28-1418)

**SALE OF TOBACCO TO MINORS.**

Whoever shall sell, give, or furnish in any way any tobacco in any form whatever, or any cigarettes or cigarette paper, vapor products, or alternative nicotine products, to any minor under 18 years of age is guilty of an offense.

(Neb. RS 28-1419)

**MISREPRESENTATION BY MINOR TO OBTAIN TOBACCO.**

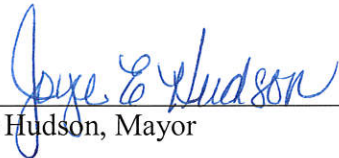
Any person under the age of 18 years who shall obtain cigars, tobacco, cigarettes, or cigarette material, vapor products, or alternative nicotine products from a licensee hereunder by representing that he or she is of the age of 18 years or over, is guilty of an offense.

(Neb. RS 28-1427)

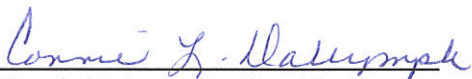
Section 3. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed,

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 17<sup>th</sup> day of March, 2015

  
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Joyce Hudson, Mayor

(SEAL)

  
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Connie Dalrymple, City Clerk