

Radnor Township Tobacco Ordinances

v74 Updated 11-5-2002

PART II GENERAL LEGISLATION

Chapter 143, CIGARETTE VENDING; TOBACCO SALES

Chapter 143, CIGARETTE VENDING; TOBACCO SALES

[HISTORY: Adopted by the Board of Commissioners of the Township of Radnor 6-17-1996 as Ord. No. 96-15. Amendments noted where applicable.]

ARTICLE I, Cigarette Vending Machines

§ 143-1. Purpose and intent.

The Board of Commissioners of the Township of Radnor hereby finds that:

A. The Surgeon General of the United States has called for a ban on the sale of cigarettes by vending machines.

B. The Commonwealth of Pennsylvania has banned the sale or furnishing of cigarettes or tobacco in any form to minors under the age of 18.

C. The presence of cigarette vending machines permits indiscriminate sales of cigarettes to minors, not preventable by any assured means of enforcement.

D. No penalty has been imposed by the Commonwealth statute upon minors for the purchase of cigarettes; rather, penalties are imposed only on the seller.

§ 143-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CIGARETTE VENDING MACHINE -- Any mechanical, electrical or electronic self-service device which, through the insertion of money or any other form of payment, dispenses tobacco or tobacco products.

DEPARTMENT -- The Department of Community Development of the Township of Radnor.

DIRECTOR -- The Director of Community Development or duly authorized agent.

PERSON -- Any person, firm, corporation or association.

TOWNSHIP -- The Township of Radnor.

§ 143-3. Prohibited acts. [Amended 4-26-1999 by Ord. No. 99-09]

A. No person shall own, operate, rent or permit the use of a cigarette vending machine on premises under such entity's control in the Township of Radnor except as provided herein.

B. No person who owns a cigarette vending machine or who owns a place of business within which a cigarette vending machine is placed for use by the public or who has control over a

cigarette vending machine placed for use by the public shall permit, authorize or otherwise allow such machine:

(1) To be operated by a minor.

(2) To be placed at a location except as permitted by this article.

(3) To remain unmonitored in violation hereof.

(4) To be operated unless a sign is conspicuously posted thereon declaring that tobacco products may not be sold to persons under 18 years of age.

C. Cigarette vending machines may be located in establishments which exclude minors as expected personnel or customers, including, but not limited to, bars, beer distributors and work areas not generally open to the public. In these establishments, cigarette vending machines shall not be located within entranceways.

D. Cigarette vending machines may be located in food-handling establishments, as defined in Chapter 170 of the Township Code, and in gasoline service stations if they are located where there is an unobstructed and uninterrupted view of the machine by the facility owner, operator or their designee, who shall monitor the machine at all times. In such establishments cigarette vending machines shall not be located in public rest rooms or entranceways.

E. It shall be unlawful for any person, including any retail dealer, to sell or offer for sale any cigarette or other tobacco product which bears a health warning required by law, other than in the package, box, carton or other container provided by the manufacturer, importer or packager which bears a health warning required by federal law.

F. Any person, including any retail dealer, who sells any cigarettes or other tobacco products shall store or display such products in a locked case or in a storage case or display accessible only to the seller. No person selling cigarettes or other tobacco products shall allow anyone other than the seller or the seller's agent to physically remove any such product or its package from its storage or display case.

ARTICLE II, Sale of Tobacco Products

§ 143-4. Purpose.

Reliable studies have shown that the use of cigarettes by minors is a significant health hazard to them, both as minors and continuing into their adulthood. State law prohibits the sale of cigarettes to minors, but there is substantial evidence that this law is frequently violated. It is the intent of the Board of Commissioners to decrease sales of tobacco products to minors by notifying sellers and purchasers at the point of retail distribution that the sale of tobacco products to a person under the age of 18 years is unlawful.

§ 143-5. Posting of signs.

A. At every point in the township where tobacco products are sold at retail, a sign must be conspicuously posted declaring that tobacco products not be sold to persons under 18 years of age.

B. Wording on signs required by this section shall be at least two inches high, unless otherwise approved by the Director. Such signs shall be protected from tampering or concealment.

ARTICLE III, Enforcement; Violations and Penalties

§ 143-6. Enforcement.

This chapter shall be enforced by the Director of Community Development.

§ 143-7. Violations and penalties.

Any person who fails to comply with the provisions of this chapter, shall be guilty of an offense and, upon conviction thereof, shall pay a fine of not less than \$100 nor more than \$1,000, plus costs of prosecution. Each day during which any violation of this chapter continues shall constitute a separate offense and shall be punishable as such.