

Borough Of West Chester Tobacco Ordinances

v37 Updated 12-15-2002

PART II GENERAL LEGISLATION

Chapter 106, VENDORS AND VENDING MACHINES

Chapter 106, VENDORS AND VENDING MACHINES

[HISTORY: Adopted by the Council of the Borough of West Chester 3-14-1991 as Ord. No. 4-1991. Amendments noted where applicable.]

§ 106-1. Purpose.

The use of cigarettes and tobacco products poses a significant danger to the public health. Recognizing the special dangers to children's health, the Commonwealth of Pennsylvania prohibits in 18 Pa.C.S.A. § 6305 the distribution of cigarettes to anyone under eighteen (18). However, cigarette vending machines in public places have provided unsupervised minors with easy access to cigarettes, in contravention of the laws of this commonwealth. Accordingly, the Council for the Borough of West Chester has concluded that the ability of unsupervised minors to obtain cigarettes and other tobacco products in violation of the law will be significantly reduced by prohibiting vending machines which dispense such products, except as authorized in this chapter.

§ 106-2. Definitions.

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

CIGARETTE -- Any roll for smoking made wholly or in part of tobacco, the wrapper or cover of which is made of any substance or material other than tobacco, regardless of the size or shape of the roll and regardless of whether or not the tobacco is flavored, adulterated or mixed with any other ingredient.

CIGARETTE VENDING MACHINE -- Any mechanical device from which cigarettes are dispensed for a consideration.

PACK OF CIGARETTES -- The smallest package, box or container from which the retail sale of cigarettes is normally made.

PERSON -- Any individual, unincorporated association, company, corporation, joint-stock company, group, agency, syndicate, trust or trustee, receiver, fiduciary, partnership, conservator, firm, organization or other legal entity.

PUBLIC PLACE -- Any area to which the public is invited or permitted.

§ 106-3. Prohibitions; restrictions.

A.No person shall permit persons under eighteen (18) years of age to operate any cigarette vending machine as defined in this chapter.

B.All cigarette vending machines shall be placed in locations where the machine and its operation is directly visible at all times to the owner of the premises or his or her employee or agent.

§ 106-4. Enforcement.

The provisions of this chapter may be enforced by the police officers of the Police Department of the Borough of West Chester and/or the Code Official and his assistants and/or the Code Enforcement Officer and his assistants.

§ 106-5. Violations and penalties.

A. Any person who shall be convicted of a violation under any provision of this chapter before any District Justice shall be sentenced as follows:

(1) First offense: a fine of not less than one hundred dollars (\$100.) nor more than one thousand dollars (\$1,000.) and/or imprisonment for a term of not more than ninety (90) days.

(2) Second and subsequent offenses: a fine of not less than two hundred fifty dollars (\$250.) nor more than one thousand dollars (\$1,000.) and/or imprisonment for a term of not more than ninety (90) days.

B. Each day that a violation is permitted to exist shall constitute a separate offense.