

ORDINANCE 1523

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE TITLE 9 PUBLIC PEACE, MORALS AND WELFARE BY ADDING A NEW CHAPTER 9.28 PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES; SETTING AN EFFECTIVE DATE; ESTABLISHING A PENALTY; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Payette Municipal Code, Title 9 Public Peace, Morals and Welfare is hereby amended by adding a new Chapter 9.28 PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES to read as follows:

9.28 PREVENTION OF MINORS' ACCESS TO TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES

9.28.010: DEFINITIONS

A. Payette School District Property: Any school building, grounds, recreation area or athletic field or any other property owned, used or operated for school administration; any playground or land contained within the real property boundary line of a public or private elementary, intermediate, junior high, vocational, or high school; the legally defined property boundaries as registered in the County Clerk's Office, as well as any vehicles used to transport children or school personnel.

B. Tobacco product or electronic smoking device:

- 1) Any substance containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to cigarettes, cigars, pipes, snuff, smoking or chewing tobacco, snus, tobacco papers, or smokeless tobacco;
- 2) Any electronic smoking device that may be used to deliver an aerosolized or a vaporized substance to the person inhaling from the device, including but not limited to an electronic cigarette, an electronic cigar, an electronic pipe, a vape pen, or an electronic hookah, or any component, part, or accessory of such a device, or any substance intended

to be aerosolized or vaporized during use of the device, whether or not the substance contains nicotine, or any heated or lighted device intended to be used for inhalation; or

- 3) Any components, parts, or accessories of a tobacco product or an electronic smoking device, whether or not they contain tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, and pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, electronic hookah, or vape pen, or under any other product name or descriptor.

9.28.020: POSSESSION OF TOBACCO PRODUCTS OR ELECTRONIC SMOKING DEVICES, DISTRIBUTION, OR USE BY A MINOR ON PAYETTE SCHOOL DISTRICT PROPERTY:

A. It shall be unlawful for a minor to possess, receive, purchase, use, consume, sell or distribute tobacco products or electronic smoking devices while on the premises of any Payette School District property.

B. Penalties for violations by a minor. A violation of this ordinance by a minor shall constitute an infraction and shall be punishable by a fine of one hundred dollars (\$100.00) for a first offense. A second or subsequent violation of this section by a minor shall constitute an infraction punishable by a fine of three hundred (\$300) dollars. The court may, in addition to the penalties provided in this section, require the minor and, if the minor is under eighteen (18) years of age, the minor's parents or legal guardian to attend tobacco product or electronic smoking device awareness programs or to perform community service in programs related to tobacco product or electronic smoking device awareness.

C. Idaho State Code 39-5703 shall regulate the use or possession of tobacco products or electronic smoking devices by minors outside the boundaries of Payette School District properties.

**Section 2.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 3.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 5.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 6<sup>th</sup> day of February, 2023.

CITY OF PAYETTE, IDAHO

BY   
Craig L. Jensen, Mayor

ATTEST:

  
Mary Cordova, City Clerk

