

Chapter 8.08

TOBACCO VENDING MACHINE

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8.08.010 Title This ordinance shall be known and cited as the "Douglas County Tobacco Vending Machine Ordinance."

8.08.020 Definitions For the purposes of this chapter:

- A. "Accessible to persons under the age of 18 years" means, in reference to premises, that no prohibition exists to the entry upon premises, or a discrete portion of premises, by persons who have not attained the age of 18 years.
- B. "Cigarette" has the meaning set out in ORS 323.010(1).
- C. "Tobacco products", has the meaning set out in ORS 323.500(9)
- D. "Tobacco vending machine" means any self-service device offered for public use which, upon insertion of a coin, coins, currency or token, or by other means, dispenses cigarettes or any tobacco product, either in bulk or package, without the necessity of replenishing the device between each vending operation.

8.08.030 Tobacco vending machines prohibited.

- A. It shall be unlawful for any person in possession of any premises located within Douglas County to place or allow to be placed on such premises any tobacco vending machine.
- B. It shall be unlawful for any person who owns or controls a tobacco vending machine to place or allow to be placed such tobacco vending machine on premises within Douglas County.

8.08.040 Exceptions The prohibition of section 8.08.030 shall not apply to premises or to tobacco vending machines on premises that are:

- A. Licensed by the Oregon Liquor Control Commission for on-premises consumption of alcoholic beverages or as a retail liquor store.
- B. Maintained for the use of employees and not open to the public.
- C. Not accessible to persons under the age of 18 years.
- D. Configured in a way that will allow a blind person, as that term is defined in ORS 346.110(3), who has training and skills that enable the blind person to determine if a person obtaining cigarettes or any tobacco product from a tobacco vending machine is under 18 years of age, and which blind person is in control of the tobacco vending

machine.

8.08.050 Affirmative defenses In any prosecution for violation of section 8.08.030 it shall be an affirmative defense that the premises are not accessible to persons who are under 18 years of age.

8.08.060 Penalties Violation of section 8.08.030 is an infraction punishable upon conviction by a fine of not more than \$500 for a noncontinuing offense and a fine of not more than \$1,000 for a continuing offense. (Ord. 91-1-1, 1991)