

ORDINANCE 2014- 1

AN ORDINANCE TO REGULATE THE SALE OF NON-TRADITIONAL TOBACCO PARAPHERNALIA IN THE CITY OF DAHLONEGA, TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE AND FOR OTHER PURPOSES.

WHEREAS, the City Council for the City of Dahlonega is responsible for adopting rules and regulations for the protection of the health, safety and welfare of the citizens of Dahlonega; and

WHEREAS, the sale of non-traditional tobacco paraphernalia, as hereinafter defined, has been shown to be associated with criminal behavior that could be hazardous to the health, safety and welfare of the public; and

WHEREAS, the City Council of the City of Dahlonega wishes to regulate the sale of such non-traditional tobacco paraphernalia.

NOW, THEREFORE, it is hereby Ordained by the City Council of the City of Dahlonega as follows:

(a) Definitions. For the purposes of this Ordinance, the term "non-traditional tobacco paraphernalia" shall mean non-traditional instruments (such as bong and hookah pipes) designed so as to facilitate the smoking, consumption or ingestion of tobacco leaf in any form, provided that the term "non-traditional tobacco paraphernalia" shall exclude cigarette papers or wrappers, blunt wraps, traditional tobacco pipes (such as brand names Briar and Meerschaum), holders, cigarette rolling machines, or other products, devices, or substances used for the purpose of making cigarettes or tobacco in any form whatsoever.

(b) Any person or entity subject to the occupation tax imposed by the City of Dahlonega who offers for sale any item of non-traditional tobacco paraphernalia shall be subject to the provision of this ordinance.

(c) Each person or entity subject to this ordinance shall maintain all entire inventory of non-traditional tobacco paraphernalia in a location completely screened from view by the public. It shall be unlawful for a Licensee to allow any item of non-traditional tobacco paraphernalia to be in view of the public, except during actual sales of such items of non-tobacco paraphernalia to customers.

(d) Any person found to be in violation of this Ordinance shall be penalized for a civil offense and shall be subject to the following penalties:

- i. For the first violation a fine not less than \$250.00; and
- ii. For a second violation within 1 year, a fine not less than \$250 but not to exceed \$500.00; and
- iii. For each additional violation within 1 year a fine not less than \$500.00 but not to exceed \$1000.00.

It is so ordained this 5th day of May, 2014.

Gary McCallough
Mayor

Attest: Lee Stewart
City Clerk