

ORDINANCE NO. 1040

AN ORDINANCE WHICH UPON ADOPTION SHALL AMEND, MODIFY, AND ADD TO WHAT HAS BEEN CODIFIED AS TITLE 9 OF THE DEVILS LAKE MUNICIPAL CODE, AND IN ITS PLACE INCLUDE THE FOLLOWING:

BE IT ORDAINED by the Board of Commissioners for the City of Devils Lake, North Dakota, pursuant to the Home Rule Charter that Title 9 of the Devils Lake Municipal Code shall be amended, modified, added to as follows:

Chapter 9.74 - Tobacco Retailers.

9.74.010 - Intent.

The City of Devils Lake recognizes that the sale of tobacco, electronic smoking devices, and alternative nicotine products to persons under twenty-one years of age presents a significant problem within the City of Devils Lake. The intent and purpose of this Chapter is to prevent the illegal sale of tobacco, electronic smoking devices, and alternative nicotine products to persons under twenty-one years of age.

9.74.020 - Definitions.

All definitions set forth in Section 9.73.020 are incorporated herein by reference. In addition, the following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section 9.74.020 unless the context or subject matter clearly indicates a different meaning:

- A. "Revocation" means a permanent administrative sanction revoking the grant of authority given to a tobacco retailer to sell at retail any product containing or consisting of tobacco, electronic smoking devices, or alternative nicotine products.
- B. "Sale" or "sell" means any transaction involving the exchange of tobacco, electronic smoking devices, or alternative nicotine products for anything of value, including, but not limited to, currency, credit, trade, barter, or other means of payment.
- C. "Suspension" means a temporary administrative sanction prohibiting a tobacco retailer from selling tobacco, electronic smoking devices, or alternative nicotine products for a specified period of time.
- D. "Tobacco Retailer" means any business, entity, or owner of any vending machine that sells, offers for sale, or possesses for sale any retail product containing or consisting of tobacco, electronic smoking devices, or alternative nicotine products.

9.74.030 - Authority to sell tobacco, electronic smoking devices, or alternative nicotine products.

The City of Devils Lake does hereby grant the authority to sell at retail any product containing or consisting of tobacco, electronic smoking devices, or alternative nicotine products within the City of Devils Lake to all tobacco retailers possessing a valid North Dakota state license issued pursuant to Chapter 57-36 of the North Dakota Century Code. The authority to sell such

products, as granted herein, may be suspended, revoked, or be subject to the imposition of administrative penalties as provided within this Chapter 9.74.

9.74.040 - Suspension or revocation of the authority to sell tobacco, electronic smoking devices, or alternative nicotine products and the imposition of administrative penalties upon tobacco retailers.

A tobacco retailer's authority to sell at retail any product containing or consisting of tobacco, electronic smoking devices, or alternative nicotine products, as such authority is granted in this Chapter 9.74, is subject to suspension, revocation, and the imposition of administrative penalties for the illegal sale of tobacco, electronic smoking devices, or alternative nicotine products to persons under twenty-one years of age, or for any other violation of the provisions of this Chapter 9.74, as follows:

- A. First offense within a twelve-month period - a \$500 administrative penalty shall be assessed against the tobacco retailer.
- B. Second offense within a twelve-month period - a \$750 administrative penalty and a one-day suspension shall be assessed against the tobacco retailer.
- C. Third offense within a twelve-month period - a \$1,000 administrative penalty and a three-day suspension shall be assessed against the tobacco retailer.
- D. Fourth or subsequent offense within a twelve-month period - a \$2,000 administrative penalty, a period of suspension beginning on the date of said offense and continuing until the next regular meeting of the Devils Lake City Commission, and any additional suspension or revocation as determined by a majority vote of the Devils Lake City Commission following a hearing on said offense before said Commission shall be assessed against the tobacco retailer. The specific date of the "next regular meeting of the Devils Lake City Commission" shall be determined by, and subject to, all required public notice provisions. Notice of said hearing shall be given to the tobacco retailer by either certified mail or personal service not less than fifteen days before said hearing.
- E. Offenses occurring during periods of suspension - in the event an offense is committed by a tobacco retailer while that tobacco retailer's authority to sell at retail any product containing or consisting of tobacco, electronic smoking devices, or alternative nicotine products is under suspension pursuant to this Section 9.74.040, then the penalty for such offense shall be: a period of suspension beginning on the date of said offense and continuing until the next regular meeting of the Devils Lake City Commission, and any additional suspension or revocation as determined by a majority vote of the Devils Lake City Commission following a hearing on said offense before said Commission shall be assessed against the tobacco retailer. The specific date of the "next regular meeting of the Devils Lake City Commission" shall be determined by, and subject to, all required public notice provisions. Notice of said hearing shall be given to the tobacco retailer by either certified mail or personal service not less than fifteen days before said hearing.

9.74.050 - Mandatory training of tobacco retailer employees under eighteen years of age.

A person under eighteen years of age who is an employee of a tobacco retailer is required to complete a tobacco prevention and control training program, which program shall be designated

by the Lake Region District Health Unit and conducted by the Lake Region District Health Unit and the Devils Lake Police Department, prior to said person being permitted to sell any product containing or consisting of tobacco, electronic smoking devices, or alternative nicotine products while said person is acting within his or her capacity as an employee of a tobacco retailer.

Passed First Reading: July 6, 2026

Passed Second Reading: July 20, 2026

Final Passage and Adoption: July 20, 2026

CITY OF DEVILS LAKE

By: _____
Jim Moe, President
Devils Lake City Commission

ATTEST:

Rob Johnson
Interim City Auditor/Assessor