

**CITY OF BROKEN BOW
ORDINANCE NO. 1227**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING SECTION 133.20: USE OF TOBACCO BY MINORS, SECTION 133.21 SALE OF TOBACCO TO MINORS & SECTION 133.22: MISREPRESENTATION BY MINOR TO OBTAIN TOBACCO; TO REPEAL ALL ORDINANCES IN CONFLICT; AND TO PROVIDE A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

SECTION 1: Amending Section 133.20 of the Municipal Code of Broken Bow, Nebraska as follows:

§ 133.20 USE OF TOBACCO

Whoever, being a person under the age of **19 21** years, shall smoke cigarettes or cigars, use electronic nicotine delivery systems or alternative nicotine products, or use tobacco in any form whatever in the city, shall be guilty of a Class V misdemeanor. Any person so charged with the violation of this section may be free from prosecution if he or she shall have furnished evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, electronic nicotine delivery systems, alternative nicotine products or tobacco.
(Neb. RS 28-1418)

SECTION 2: Amending Section 133.21 of the Municipal Code of Broken Bow, Nebraska as follows:

§ 133.20 SALE OF TOBACCO

- (1) Whoever shall sell, give, or furnish, in any way, any tobacco in any form whatsoever, or any **cigars**, cigarettes, cigarette paper, electronic nicotine delivery systems, or alternative nicotine products, to any person under **19 21** years of age is guilty of a Class III misdemeanor for each offense.

- (2) (a) In order to further the public policy of deterring licensees or other persons from violating subsection (1) of this section, a person who is at least fifteen years of age but under 21 years of age may assist a peace officer in determining compliance with such subsection if:

- (i) The parent or legal guardian of the person has given written consent for the person to participate in such compliance check if such person is under 19 years of age;
- (ii) The person is an employee, a volunteer, or an intern with a state or local law enforcement agency;

- (iii) The person is acting within the scope of his or her assigned duties as part of a law enforcement investigation;

- (iv) The person does not use or consume a tobacco product as part of such duties; and

- (v) The person is not actively assigned to a diversion program, is not a party to a pending criminal proceeding or a proceeding pending under the Nebraska Juvenile

Code, and is not on probation.

(b) Any person under the age of 21 years acting in accordance with and under the authority of this subsection shall not be in violation of section 28-1427.

(Neb. RS 28-1419)

§ 133.22 MISREPRESENTATION TO OBTAIN TOBACCO

Except as provided in subsection (2) of section 28-1419, any person under the age of 19 21 years who shall obtain cigars, tobacco, cigarettes, cigarette material, electronic nicotine delivery systems, or alternative nicotine products from a licensee hereunder by representing that he or she is of the age of 19 21 years or over is guilty of a Class V misdemeanor.
(Neb. RS 28-1427)

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication as provided by law

Passed and approved this 25th day of August 2020.

Rod Sonnichsen, Mayor

ATTEST:

Stephanie M. Wright, City Clerk