



MEMORANDUM

Office of the City Attorney

Legistar No. 020023

Phone: 334-5011/Fax 334-2229

Box 46

TO: Mayor and City Commission

DATE: November 12, 2002
~~October 28, 2002~~
~~FIRST READING~~

FROM: City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-02-53

An ordinance of the City of Gainesville, Florida, creating a new section in Chapter 14.5, Miscellaneous Business Regulations, Article II, consisting of sections 14.5-15 through 14.5-20, inclusive; and adding said sections to the Code of Ordinances of the City of Gainesville relating to sale and possession of tobacco by minors; providing legislative findings; creating s. 14.5-15, establishing the intent to prevent the sale to and possession of tobacco products by minors; creating s. 14.5-16, providing definitions; creating s. 14.5-17, prohibiting self-service merchandising of tobacco products to persons under the age of 18; creating 14.5-18, designation of enforcement official; creating 14.5-19, providing no liability for city officers, or employees; creating Section 14.5-20, providing guidelines for service of notice of violation; amending Section 2-377, providing for the Gainesville Code Enforcement Board to have jurisdiction to hear and decide cases in which a violation of this ordinance is alleged; amending Section 2-399, authorizing enforcement by the civil citation process; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission adopt the proposed ordinance.

At its meeting of October 14, 2002, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance regulating the placement of tobacco products. This ordinance is creating a new section in Chapter 14.5, Miscellaneous Business Regulations, Article II, consisting of sections 14.5-15 through 14.5-20, inclusive; and adding said sections to the Code of Ordinances of the City of Gainesville relating to sale and possession of tobacco by minors.

Prepared by: 
Walter Mathews, IV, Assistant City Attorney

Approved and Submitted by: 
Marion J. Radson, City Attorney

MJR:WM:sw