

ORDINANCE NO. 662

ORDINANCE BY THE CITY OF LONG BEACH, MISSISSIPPI, AMENDING ARTICLE IV, CHAPTER 24 OF THE CODE OF ORDINANCES TO ADD SECTION 24-101 PROHIBITING THE POSSESSION AND CONSUMPTION OF ALTERNATIVE NICOTINE PRODUCTS AND ELECTRONIC CIGARETTES BY MINORS

WHEREAS, there is a proliferation of possession and use of alternative nicotine products and electronic cigarettes by minors which is resulting in serious injuries and death and which necessitates the regulation of the same within the corporate limits of the city; and

WHEREAS, the governing authorities of the city, find and determine that an ordinance prohibiting the use and possession of alternative nicotine products and electronic cigarettes is reasonable and necessary to prevent serious injury and death as a result of the use of the same by minors; and

NOW THEREFORE be it ordained by the governing authorities of the city, that Chapter 24 Article IV of the Code of Ordinances of the City of Long Beach is amended to include Section 24-101 which reads in full as follows, to-wit:

Section 1.

Section 24-101: Minors and Tobacco Products

(a) Definitions.

- i. **Tobacco Products/Vape Products/Products Containing Nicotine/
Nicotine Dispensing Devices**
Any substance that contains tobacco, including but not limited to, cigarettes, cigars, pipes, snuff, chewing tobacco, pipe tobacco, smoking tobacco, smokeless tobacco, spit tobacco, tobacco spittle, vape juice or any products containing nicotine or nicotine dispensing devices (with or without vape juice in device).
- ii. **Educational Property**
Any public or private school building or bus, public or private school campus, grounds, recreational area, athletic field or other property owned, used or operated by any local school board, school, board of trustees or for directors for the administration of any public or private education institution.
- iii. **Minor**
Any person under the age of eighteen (18).
- iv. **Use or possession**
The smoking or possession of any tobacco and/or tobacco products, the chewing, oral consumption, spitting, inhaling, or other ingestion of any tobacco and/or tobacco product, or the smoking or possession of vape juice or use or possession of any products containing nicotine, and/or the possession of a nicotine dispensing device (with or without vape juice in device).

v. **Tobacco-Nicotine/Vape Course**

Any class whose aim would be to deter the use of tobacco, vape products or any other products containing nicotine by showing dangers and penalties of tobacco and vape use.

(b) **Use of Possession by Minors Prohibited**

No minor shall have in his or her possession or use any tobacco and/or tobacco products, vape juice/products or products containing nicotine or any nicotine dispensing device within the corporate limits of the City of Long Beach.

(c) **Use by Students Prohibited**

No student of any high school, junior high school or elementary school shall use or possess any tobacco and/or tobacco product, any vape juice/products or any products containing nicotine on any educational property or at any education activity, within the corporate limits of the City of Long Beach.

(d) **Penalty**

First violation of the ordinance is punishable by a fine not to exceed \$25.00 and parental notification by any Municipal Court Judge. Second and subsequent violations of this ordinance are punishable by a fine not to exceed \$75.00.

(e) **Conflict**

All ordinances, resolutions, or orders, or portions thereof, in conflict therewith are repealed to the extent of such conflict.

(f) **Effective Date**

This ordinance shall be published and shall become effective and be in force one month from and after its passage as provided by law.

Section 2.

In order to preserve the health, safety and welfare of the community, upon unanimous vote, this Ordinance shall go into effect immediately upon adoption. In the event the vote to adopt this Ordinance is less than unanimous, this Ordinance shall go into effect thirty (30) days after the adoption hereof.

Section 3.

All provisions of the Code of Ordinances of the city in specific and express conflict herewith are hereby repealed.

Section 4.


This Ordinance having been reduced to writing and no request for the same to be read by the Clerk having been made, the same was introduced by Alderman Brown, seconded by Alderman Frazer and was adopted by the following vote, to-wit:

Alderman Timothy McCaffrey, Jr.	voted	Aye
Alderman Bernie Parker	voted	Aye
Alderman Donald Frazer	voted	Aye
Alderman Mike Brown	voted	Aye
Alderman Patrick Bennett	voted	Aye
Alderman Angie Johnson	voted	Absent – Not Voting
Alderman Pete McGoey	voted	Aye

The Motion having received the Affirmative vote of all of the Alderman present and voting,

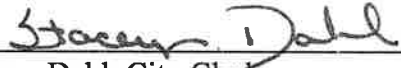
the Mayor declared the motion carried and said Ordinance adopted and approved on this the 6th day of December, 2022.

APPROVED:



GEORGE L. BASS, Mayor

ATTEST:



Stacey Dahl, City Clerk

CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Stacey Dahl, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #662 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on the 6th day of December, 2022, as the same appears of record in Ordinance Book #9, pages 210-213, inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 7th day of December, 2022.



Stacey Dahl
Stacey Dahl, City Clerk