

ORDINANCE NO. 2026

AN ORDINANCE AMENDING AND RE-ENACTING SECTION 22-57 OF THE DICKINSON MUNICIPAL CODE, RELATING TO THE POSSESSION, PURCHASE, OR USE OF TOBACCO PRODUCTS BY AN INDIVIDUAL UNDER THE AGE OF 21 YEARS OF AGE

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF DICKINSON, NORTH DAKOTA, AS FOLLOWS:

Section 1: Section 22-57 of the City Code of the City of Dickinson is hereby amended and re-enacted as follows:

Sec. 22-57. - Possession, purchase, or use of tobacco products by an individual under the age of 21 years prohibited.

- a) It is a noncriminal offense for an individual eighteen years of age or older but under twenty-one years of age, and an infraction for an individual fourteen years of age or older but under eighteen years of age, to purchase, possess, smoke, or use cigarettes, cigars, cigarette papers, snuff, tobacco in any other form in which it may be utilized for smoking or chewing, electronic smoking devices, or alternative nicotine products. However, an individual under twenty-one years of age may purchase and possess tobacco, electronic smoking devices, or alternative nicotine products as part of a compliance survey program when acting with the permission of the individual's parent or guardian and while acting under the supervision of any law enforcement authority. A state agency, city, county, board of health, tobacco, electronic smoking devices, or alternative nicotine products retailer, or association of tobacco, electronic smoking devices, or alternative nicotine products retailers may also conduct compliance surveys, after coordination with the appropriate local law enforcement authority.
- b) Subsections (a) does not apply to an individual under twenty-one years of age who possesses cigarettes, cigarette papers, cigars, snuff, tobacco in any other form in which it may be used for smoking or chewing, electronic smoking devices, or alternative nicotine products when required in the performance of the individual's duties as an employee. 4.
- c) It is a noncriminal offense for an individual under twenty-one years of age to present or offer to another individual a purported proof of age which is false, fraudulent, or not actually that individual's own proof of age, for the purpose of attempting to purchase or possess cigarettes, cigars, cigarette papers, snuff, tobacco in any other form in which it may be utilized for smoking or chewing, electronic smoking devices, or alternative nicotine products.

- (d) It is a noncriminal offense for an individual under twenty one years of age to purchase, possess, smoke, or use cigarettes, cigars, cigarette papers, snuff, tobacco in any other form in which it may be utilized for smoking or chewing, electronic smoking devices, or alternative nicotine products. However, an individual under eighteen years of age may purchase and possess tobacco, electronic smoking devices, or alternative nicotine products as part of a compliance survey program when acting with the permission of the individual's parent or guardian and while acting under the supervision of any law enforcement authority. A state agency, city, county, board of health, tobacco, electronic smoking devices, or alternative nicotine products retailer, or association of tobacco, electronic smoking or alternative nicotine products retailers may also conduct compliance surveys, after coordination with the appropriate local law enforcement authority.
- (e) It is a noncriminal offense for an individual twenty-one years of age to present or offer to another individual a purported proof of age which is false, fraudulent, or not actually the minor's own proof of age, for the purpose of attempting to purchase or possess cigarettes, cigars, cigarette papers, snuff, tobacco in any other form in which it may be utilized for smoking or chewing, electronic smoking devices, or alternative nicotine products.
- (f) It shall be a noncriminal offense for a minor to enter and remain in a smoke/vape shop as defined in Section 30-413. Any minor who has been cited for a violation of this section must pay a twenty-five dollar fee.
- (g) An individual fourteen years of age or older but under eighteen years of age found to have violated subsection (a) or (c) has committed an infraction and must be sent to juvenile court. Any minor 14 years of age or older who has been cited for a violation of Subsection (a) of this section must pay a fee of twenty-five dollars.
 - 1. Any individual who has been cited for a violation of subsection (a) may appear before a court of competent jurisdiction and pay the fee by the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that individual's action and the judge may waive, reduce, or suspend the fee or bond, or both. If the individual cited follows the procedures of this subdivision, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the court must be identical to the fee. This subdivision does not allow a citing officer to receive the fee or bond.
 - 2. If an individual cited for a violation of subsection (a) does not choose to follow the procedures provided under subdivision 1, that individual may request a hearing on the issue of the commission of the violation cited. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance. At the time of a request for a hearing on the issue on commission of the violation, the individual cited shall deposit with the court an appearance bond equal to the fee for the violation cited.

3. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt.
- (h) The prosecution must prove the commission of a cited violation under Subsection (a) of this section by a preponderance of the evidence.
 - (i) A law enforcement officer that cites a minor for violation of this section shall mail a notice of the violation to the parent or legal guardian of the minor within ten days of the citation.
 - (j) A person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the court to a sanction or order designed to ensure compliance with the payment of the fee or fine or to an alternative sentence or sanction including community service.

(Code 1993, § 25.06.020; Ord. No. 1234, § 2; Ord. No. 1495, § 1; Ord. No. 1689, § 4; Ord. No. 1724, § 6; Ord. No. 1773, § 1(25.06.020), 4-4-2023)

Section 4: Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5: Severability. In the event any section of this Ordinance is held invalid by court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Section 6: Effective Date: This Ordinance shall be in full force and effect on final passage.

Scott Decker, President
Board of City Commissioners

ATTEST

Dustin Dassinger, City Administrator

First Reading: _____, 2026

Second Reading: _____, 2026

Final Passage: _____, 2026