

ORDINANCE 2025-14

AN ORDINANCE AMENDING SECTION 7-10-1 – 7-10-6 TOBACCO PRODUCTS – AGE REQUIREMENTS WITHIN THE CITY OF LANDER

NOW THEREFORE, be it ordained by the Governing Body of the City of Lander, Fremont County, Wyoming:

SECTION 1: 7-10-1. Tobacco Products - Definitions.

- a) As used in this article:
 - (i) "Tobacco products" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, electronic cigarettes, snuff, chewing tobacco or dipping tobacco;
 - (ii) "Vending machine" means any mechanical, electric or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.
 - (iii) "Electronic cigarettes" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.

7-10-2. Tobacco Products - Prohibited Sales or Delivery.

a) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of **twenty-one (21)** ~~eighteen (18)~~ years.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule. *(Section 7-10-2(b) amended by Ordinance 1193 11/10/15)*

c) It is an affirmative defense to a prosecution under subsection (a) of this section that:

- (i) In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over **twenty-one (21)** ~~eighteen (18)~~ years of age; or
- (ii) The tobacco product was given or delivered to the person under **twenty-one (21)** ~~eighteen (18)~~ years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian.

7-10-3. Tobacco Products - Posted Notice Required; Location of Vending Machines.

a) Any person who sells tobacco products shall post signs informing the public of the age restrictions provided by this article at or near every display of tobacco products and on or upon every vending machine which offers tobacco products for sale. Each sign shall be plainly visible and shall contain a statement communicating that the sale of tobacco products to persons under **twenty-one (21)** ~~eighteen (18)~~ years of age is prohibited by law.

b) No person shall sell or offer tobacco products through a vending machine unless the vending machine is located in:

- (i) Businesses, factories, offices or other places not open to the general public;
- (ii) Places to which persons under the age of **twenty-one (21)** ~~eighteen (18)~~ years of age are not permitted access; or

- (iii) Business premises where alcoholic or malt beverages are sold or dispensed and where entry by persons under ~~eighteen (18)~~ **twenty-one (21)** years of age is prohibited.

c) Any person violating subsection (a) or (b) of this section is guilty of a misdemeanor punishable in accordance with the Lander Municipal Court Bond Schedule. Each day of continued violation shall be deemed a separate offense. *(Section 7-10-3(c) amended by Ordinance 1193 11/10/15)*

7-10-4. Tobacco Products - Purchase by Minors Prohibited.

a) No person under the age of ~~eighteen (18)~~ **twenty-one (21)** years shall purchase tobacco products, or misrepresent his identity or age, or use any false or altered identification for the purpose of purchasing tobacco products.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service and be granted credit against this fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.

7-10-5. Possession or Use by Minors Prohibited.

a) It is unlawful for any person under the age of ~~eighteen (18)~~ **twenty-one (21)** years to possess or use any tobacco products.

b) Any person violating subsection (a) of this section is guilty of a misdemeanor punishable by a fine in accordance with the Lander Municipal Court Bond Schedule. Upon a conviction for violation of subsection (a) of this section, the court may allow the defendant to perform community service and be granted credit against his fine and court costs. *(Section 7-10-5(b) amended by Ordinance 1193 11/10/15)*

c) It is an affirmative defense to a prosecution under subsection (a) of this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, his parent or guardian. *(Section 7-10-1 - 7-10-5 created by Ordinance 866, effective 10-8-91.)*

7-10-6 Smoking Prohibited in Certain City-Owned Facilities and Penalties for Violation

- (a) Smoking of tobacco products is prohibited in the following City-owned facilities:
 - 1. Lander City Hall;
 - 2. The main Parks & Recreation Building at Lander City Park; and
 - 3. In all areas of the Lander Community and Convention Center, including the enclosed bar area of such facility; *(Section 7-10-6(a)(3) amended by Ordinance 1114, effective 6/06)*
 - 4. Airport terminal;
 - 5. All other City owned facilities, with the exception that the building administrator, or the Fire Chief for the fire hall, may designate smoking areas.
- (b) Any person who violates the provisions of this Ordinance shall be guilty of a misdemeanor, punishable in accordance with the Lander Municipal Court Bond Schedule. *(Section 7-10-6 amended by Ordinance 1193 11/10/15)*

SECTION 4: This ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

PASSED ON SECOND READING

PASSED ON THIRD READING

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the
____ day of _____.

THE CITY OF LANDER
A Municipal Corporation

By _____
Missy White, Mayor

ATTEST:

Rachelle Fontaine, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on _____ following passage, adoption and approval of Ordinance 2025-14, Missy White, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being _____.

Rachelle Fontaine, City Clerk