

**ORDINANCE NO. 2024-04**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA, AMENDING CHAPTER 10 OF THE CHEROKEE MUNICIPAL CODE 2021, BY THE ADDITION OF A NEW SECTION 10-1003 ENTITLED "PURCHASE OF TOBACCO AND VAPOR PRODUCTS BY PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE PROHIBITED"; PROVIDING FOR PENALTIES; PROVIDING FOR NOTIFICATION TO THE DEPARTMENT OF PUBLIC SAFETY UPON FAILURE TO PAY THE FINE WITHIN NINETY (90) DAYS; PROVIDING FOR THE PLACEMENT OF SUCH FINES IN SECTION 1-111C; REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; PENALTY; AND DECLARING AN EMERGENCY

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA:

Section I: Chapter 10, Section 10-1003 and Section 1-111C of the Cherokee Municipal Code 2021 is hereby amended and shall read as follows:

SECTION 10-1003 Purchase of tobacco and vapor products by persons under 21 years of age prohibited.

(a) It shall be unlawful for a person who is under 21 years of age to purchase, accept receipt of, or have in their possession, a tobacco or vapor product or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco or vapor product. Provided, however, that it shall not be unlawful for an employee who is under 21 years of age to handle such tobacco or vapor product when required in the performance of such person's employment duties.

(b) Any person violating the provisions in subsection (a) shall be guilty of an offense, and upon conviction, shall be punished by a fine of:

(1) Not to exceed \$50.00 for a first offense; and

(2) Not to exceed \$100.00 for a second or subsequent offense within a one-year period following the first offense.

(c) Upon the failure of the individual to pay any such fine within 90 days of the date of such fine, the municipal court clerk shall notify the Department of Public Safety and the department shall suspend or not issue a driver license to the individual until proof of payment has been furnished to the Department of Public Safety.

SECTION 1-111 SCHEDULE OF FEES AND CHARGES CREATED; SCHEDULE OF BONDS AND FINES, COSTS, FEES AND ASSESSMENTS.

C. The following shall be the bond and fine schedule as of the adoption of this Code:

Minor in Possession of Tobacco 1 <sup>st</sup> Offense	\$50.00 CMC §10-1003
Minor in Possession of Tobacco 2 <sup>nd</sup> Offense and Subsequent	\$100.00 CMC §10-1003

Section II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Cherokee that this section of the Cherokee Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

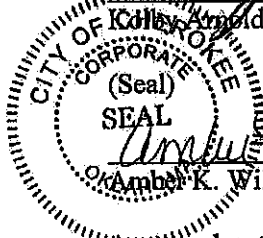
Section VI. PENALTY. The penalty for violation of this ordinance shall be as provided in Section I.

Section VII. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to immediately make it unlawful for a person who is under 21 years of age to purchase, accept receipt of, or have in their possession, a tobacco or vapor product or to present or offer to any person any purported proof of age which is false, fraudulent, or not actually his or her own, for the purpose of purchasing or receiving any tobacco or vapor product; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

Approved and executed this 12<sup>th</sup> day of June 2024.

THE CITY OF CHEROKEE, OKLAHOMA

Kelly Arnold  
Kelly Arnold, Mayor



ATTEST:

Amber K. Wilhite  
Amber K. Wilhite, City Clerk

Approved as to Content:

Chad Roach  
Chad Roach, City Manager

Approved as to Form and Legality:

Bryce S. Kennedy  
Bryce S. Kennedy, City Attorney