

217 21674  
ORDINANCE No. 115948

COUNCIL BILL No. 108884

*Law Department*

The City of

AN ORDINANCE relating to tobacco product retailing; defining "tobacco product," eliminating separate licensing for tobacco product vending machine operations, ending site-based regulation of tobacco product mobile retailing, increasing the license fee for tobacco product retailing, changing the punishments for civil infractions, amending SMC 6.240.010-D; -.020, -.040, -.050, -.120, -.200, and SMC 6.204.120; and repealing SMC 6.240.030, -.060, and -.130, all in connection therewith.

Honorable President:

Your Committee on Budget

to which was referred the within Council report that we have considered the same

11/15/91 Pass on

Full Council

COMPTROLLER FILE No. \_\_\_\_\_

Introduced: <u>11-4-91</u>	By: <u>Sibonga</u>
Referred: <u>11-4-91</u>	To: <u>Budget</u>
Referred:	To:
Referred:	To:
Reported: NOV 23 1991	Second Reading: NOV 23 1991
Third Reading: NOV 23 1991	Signed: NOV 23 1991
Presented to Mayor: NOV 23 1991	Approved: DEC 12 1991
Returned to City Clerk:	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OK

*[Signature]*

Department

# The City of Seattle--Legislative Department

Date Reported  
and Adopted

## REPORT OF COMMITTEE

President:

Committee on Budget

was referred the within Council Bill No. 108884

that we have considered the same and respectfully recommend that the same:

1. Pass as Amended

all Council vote 7-0

*Delores King*

Committee Chair

ORDINANCE 115948

1  
2  
3 AN ORDINANCE relating to tobacco product retailing; defining  
4 "tobacco product", eliminating separate licensing for  
5 tobacco product vending machine operations, ending site-  
6 based regulation of tobacco product mobile retailing,  
7 increasing the license fee for tobacco product retailing,  
8 changing the punishments for civil infractions, amending  
9 SMC 6.240.010-D; -.020, -.040, -.050, -.120, -.200, and  
10 SMC 6.204.120; and repealing SMC 6.240.030, -.060, and  
11 -.130, all in connection therewith.

12  
13  
14 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

15  
16 Section 1. Effective January 1, 1992, Seattle Municipal  
17 Code ("SMC") 6.240.010-D (part of Section 1 of Ordinance  
18 115531) is amended as follows:

19  
20 D. (~~"Tobacco vending machine operator" means any~~  
21 ~~person that owns and exhibits for use or operation or who~~  
22 ~~leases, rents to, or places with any third party for use or~~  
23 ~~operation, any tobacco vending machine)~~ "Tobacco product"  
24 means any pipe tobacco, chewing tobacco, snuff, cigar,  
25 cigarette, or cigarillo.

26  
27 Sec. 2. Effective January 1, 1992, SMC 6.240.020 (part  
28 of Section 1 of Ordinance 115531) is hereby amended as  
follows:

**6.240.020 Tobacco product retailer's license required.**

No person shall offer for retail sale at any location  
within The City of Seattle any tobacco product without having  
a valid City license therefor. For the purposes of this  
chapter, all tobacco vending machines owned or managed by the  
same operator at a single business address shall be deemed to  
be one operation for which a single tobacco product retailer's  
license shall be required. A separate tobacco product  
retailer's license shall be required for each motor vehicle  
from which any tobacco product is offered for retail sale. A  
license may be issued to authorize the retail sale of tobacco

1 product from a motor vehicle only where such vehicle follows  
2 one or more fixed and definite retail sales routes having  
3 sales location stops only at business, industrial, or  
4 construction sites, which routes ((and sites)) are precisely  
5 described on the license application form submitted to the  
6 Director.

7 Sec. 3. SMC 6.240.040 (part of Section 1 of Ordinance  
8 115531) is hereby amended retroactive to March 22, 1991, as  
9 follows:

10 **6.240.040 License expiration dates.**

11 ((A-)) A tobacco product retailer's license issued  
12 pursuant to SMC 6.240.020 shall be valid for an initial period  
13 ending June 30, 1991; thereafter, any such license shall be  
14 valid for an annual period, beginning on the immediately  
15 following July 1st, and expiring on the next succeeding  
16 June 30th.

17 ((B. ~~A tobacco vending machine operator's license issued~~  
18 ~~pursuant to SMC 6.240.030 shall be valid for an initial period~~  
19 ~~ending June 31, 1991; thereafter, any such license shall be~~  
20 ~~valid for an annual period beginning on the immediately~~  
21 ~~following July 1st, and expiring on the next succeeding~~  
22 ~~June 30th.))~~

23 Sec. 4. Effective January 1, 1992, SMC 6.240.050 (part  
24 of Section 1 of Ordinance 115531) is hereby amended as  
25 follows:

26 **6.240.050 Change of route or location of tobacco product**  
27 **retailer's licensed operation.** In the event a licensed

28 tobacco product retailing operation is relocated to any route  
((or site)) different from that identified on a tobacco  
product retailer's license, such license shall become void.  
The Director shall issue a tobacco product retailer's license

1 for a new route (~~or site(s)~~) pursuant to SMC 6.202.100 if  
2 application therefor is filed pursuant to SMC 6.202.130 and  
3 -.140, and the change of route (~~or site(s)~~) fee specified in  
4 SMC 6.204.120 is paid. Any license issued pursuant to this  
5 section shall expire on the expiration date of the tobacco  
6 product retailer's license made void by a change in such  
7 licensee's location.

8 Sec. 5. Effective January 1, 1992, SMC 6.240.120 (part of  
9 Section 1 of Ordinance 115531) is hereby amended as follows:

10 **6.240.120 Prohibition against (~~gifts or bonuses~~)**  
**distribution of tobacco product samples.**

11 (~~A. No person issued a valid tobacco vending machine~~  
12 ~~operator's license pursuant to this chapter, nor any agent or~~  
13 ~~employee of such a person, shall make any gift or give any~~  
14 ~~bonus or any advance commission to any person licensed to sell~~  
15 ~~any tobacco product.~~

16 B-)) No person shall, on behalf of a tobacco product  
17 retailer, distributor, or manufacturer, or any person or  
18 entity having an interest in a tobacco product vending machine  
19 give away or distribute, or employ another to give away or  
20 distribute, any sample of any tobacco product to the general  
21 public. Each item given away shall constitute a separate  
22 infraction.

23 Sec. 6. SMC 6.240.200 (part of Section 1 of Ordinance  
24 115531) is hereby amended retroactive to March 22, 1991, as  
25 follows:

26 **6.240.200 Violation of SMC 6.240.020, (~~-.030~~) -.050**  
27 **through -.080, -.100, or -.120 constitutes civil infraction.**

28 A. Notwithstanding any contrary provision in SMC  
6.202.470, each act or omission in violation of SMC 6.240.020,  
(~~-.030~~) -.050 through -.080, -.100, or -.120 shall

1 constitute a civil infraction, which shall be punishable as  
2 follows:

3 **Initial infraction** . . Imposition of a monetary penalty of  
4 ((five hundred dollars (\$500.00)) Fifty Dollars (\$50.00)  
5 and, where applicable, suspension of the tobacco product  
6 retailer's license for not less than thirty (30) nor more  
7 than ninety (90) days; ((and the licensee shall be given  
8 notification, in writing, of provisions for penalties to  
9 be levied in the event of additional or further  
violations.))

10 **Second infraction** . . Imposition of a monetary penalty of  
11 ((seven hundred fifty dollars (\$750.00)) One Hundred  
12 Twenty-five Dollars (\$125.00) and, where applicable,  
13 suspension of the tobacco product retailer's license  
14 ((or, if a tobacco vending machine was involved in the  
15 infraction, suspension of the tobacco vending machine  
16 operator's license,)) for not less than ninety-one  
(91) nor more than one hundred eighty (180) days;

17 **Third and any succeeding infraction** . . Imposition of a  
18 monetary penalty of ((one thousand (\$1,000.00)) Two  
19 Hundred Fifty Dollars (\$250.00) and, where applicable,  
20 suspension of the tobacco product retailer's license  
21 ((or, if a tobacco vending machine was involved in the  
22 infraction, suspension of the tobacco vending machine  
23 operator's license,)) for not less than nine (9) nor more  
than eighteen (18) months, or revocation of such license;

24 Provided, that each person found to have committed such a  
25 civil infraction shall also be given notice that any subse-  
26 quent civil infraction may result in the imposition of an  
27 increased monetary penalty or a longer license suspension or  
28 license revocation. ((In the event that a tobacco vending  
machine operator's license for a tobacco vending machine is

1 ~~suspended, the Director shall render such machine inoperable~~  
2 ~~for the period of the suspension by sealing or masking the~~  
3 ~~activating mechanism(s) or through other means.)~~ In the  
4 event a tobacco product retailer's license (~~or a tobacco~~  
5 ~~vending machine operator's license~~) is suspended for a period  
6 of time greater than that remaining before such license would  
7 expire, then, notwithstanding any provision in SMC Chapter  
8 6.202 to the contrary, such licensee shall be ineligible to  
9 renew or replace such license until the day after the period  
of suspension ends.

10 Sec. 7. SMC 6.204.120 (part of Section 2 of  
11 Ordinance 115531) is amended retroactive to March 22, 1991, as  
12 follows:

13 **6.204.120 Tobacco product retailing.**

14 A. The annual fee for issuance of a tobacco product  
15 retailer's license shall be (~~Seventy-five Dollars (\$75.00)~~)  
16 One Hundred Twenty-five Dollars (\$125.00), per location, motor  
vehicle or operation.

17 B. (~~The annual fee for issuance of a tobacco vending~~  
18 ~~machine operator's license shall be Three Hundred Fifteen~~  
19 ~~Dollars (\$315.00) per vending machine.~~

20 C.) The fee for re-issuance of a license upon a change  
21 in a licensed tobacco product retailer's motor vehicle route  
22 (~~or sales site (including for that of a tobacco vending~~  
machine)) shall be Twenty-five Dollars (\$25.00).

23 Sec. 8. SMC 6.240.030, -.060 and -.130 (all parts of  
24 Section 1 of Ordinance 115531) are each retroactively repealed  
25 as of March 22, 1991.

26 Sec. 9. Any act consistent with the authority and prior  
27 to the effective date of this ordinance is ratified and  
28 confirmed.

(To be used for all Ordinances except Emergency.)

Sec. 10. If any provision of this ordinance or the application thereto to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to that end the provisions of this ordinance are declared to be severable.

Section 11. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25 day of November, 1991,  
and signed by me in open session in authentication of its passage this 25 day of November, 1991.  
*Carl J. Chow*  
President Pro Tem of the City Council.

Approved by me this 5th day of December, 1991.  
*Norman B. Free*  
Mayor.

Filed by me this 5th day of December, 1991.

*Norman J. Brooks*  
Attest: City Comptroller and City Clerk.

(SEAL)

Published

By *Margaret Carter*  
Deputy Clerk.

Your  
Seattle  
Department of Licenses and Consumer Affairs

Dale H. Tiffany, Director  
Norman B. Rice, Mayor



RECEIVED OMB  
OCT 31 1991

M E M O R A N D U M

TO: Andrew J. Lofton, Director  
Office of Management and Budget

FROM: Dale H. Tiffany, Director *Dale*  
Department of Licenses and Consumer Affairs

DATE: October 30, 1991

SUBJECT: TOBACCO RETAILERS ORDINANCE REVISIONS

Enclosed is our revised version of the Tobacco Retailers Ordinance. The revisions:

- 1) change the license fees for tobacco retailers.

Under the proposed revisions, the annual license fee for tobacco retailers will be \$125.00. This represents a change from \$75.00 for all retailers and from \$315.00 for leased tobacco vending machines. The changes are based on the City policy of charging only the amounts for regulatory licenses that are needed to carry out the regulatory activity. Our experience with the present ordinance has demonstrated that the actual costs for regulating tobacco retailers is the same for all classes of tobacco retailers; i.e., there is no difference in the cost of regulation for retailers who sell tobacco through vending machines and those who sell the product over the counter. Therefore the cost should be the same for both classes of sellers. Further, our experience has shown the cost of regulation to be approximately \$150,000 per year. Based on a total of 1,200 retailers, the cost per retailer should be \$125.00 per year.

Under the present ordinance, the total license fees collected in 1992 would be approximately \$105,000 as compared to approximately \$150,000 under these proposed revisions.

An equal employment opportunity - affirmative action employer

City of Seattle—Department of Licenses and Consumer Affairs, 102 Seattle Municipal Building, Seattle Washington 98104 (206) 684-8434/684-8444

"Printed on Recycled Paper"

October 30, 1991  
Page Two

- 2) correct certain technical deficiencies in the present ordinance.

The new draft contains a definition of "tobacco product," a definition that was inadvertently left out of the present ordinance. This correction allows unambiguous application of the ordinance to products such as cigars, tipperillos, snuff and other products. The new draft also better defines "routes" and "sites" for those retailers whose business is selling tobacco products from mobile vans or trucks such as canteens.

- 3) change the penalty structure for violations of the provisions of the ordinance.

Under the present ordinance, the penalty structure for violations is \$500.00 for a first offense, \$750.00 for a second offense and \$1,000 for a third offense. These penalties are more than permitted under State law for civil violations. The new penalty structure will be \$50.00 for a first offense, \$125.00 for a second offense and \$250.00 for a third offense.

If I can provide any additional information, please don't hesitate to contact me at 4-8444.

DHT:bbj  
Enclosure

# City of Seattle

Executive Department-Office of Management and Budget

Andrew J. Lofton, Director  
Norman B. Rice, Mayor



October 31, 1991

The Honorable Mark Sidran  
City Attorney  
City of Seattle

*g. Saund*  
OK 10-31-91

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING  
DEPARTMENT

Licenses and Consumer Affairs

SUBJECT:

AN ORDINANCE relating to tobacco product retailing; defining "tobacco product", eliminating separate licensing for tobacco product vending machine operations, ending site-based regulation of tobacco product mobile retailing, increasing the license fee for tobacco product retailing, changing the punishments for civil infractions, amending SMC 6.240.010-D; -.020, -.040, -.050, -.120, -.200, and SMC 6.204.120; and repealing SMC 6.240.030, -.060, and -.130, all in connection therewith.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMB. Any specific questions regarding the legislation can be directed to Rod Brandon at 4-8036.

Sincerely,

Norman B. Rice  
Mayor

by

*Andrew J. Lofton*  
ANDREW J. LOFTON  
Budget Director

AL/dc/rss

Enclosure

cc: Director, LCA

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ORDINANCE \_\_\_\_\_

AN ORDINANCE relating to tobacco product retailing; defining "tobacco product", eliminating separate licensing for tobacco product vending machine operations, ending site-based regulation of tobacco product mobile retailing, increasing the license fee for tobacco product retailing, changing the punishments for civil infractions, amending SMC 6.240.010-D; -.020, -.040, -.050, -.120, -.200, and SMC 6.204.120; and repealing SMC 6.240.030, -.060, and -.130, all in connection therewith.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 1992, Seattle Municipal Code ("SMC") 6.240.010-D (part of Section 1 of Ordinance 115531) is amended as follows:

D. (~~"Tobacco vending machine operator" means any person that owns and exhibits for use or operation or who leases, rents to, or places with any third party for use or operation, any tobacco vending machine~~) "Tobacco product" means any pipe tobacco, chewing tobacco, snuff, cigar, cigarette, or cigarillo.

Sec. 2. Effective January 1, 1992, SMC 6.240.020 (part of Section 1 of Ordinance 115531) is hereby amended as follows:

**6.240.020 Tobacco product retailer's license required.**

No person shall offer for retail sale at any location within The City of Seattle any tobacco product without having a valid City license therefor. For the purposes of this chapter, all tobacco vending machines owned or managed by the same operator at a single business address shall be deemed to be one operation for which a single tobacco product retailer's license shall be required. A separate tobacco product retailer's license shall be required for each motor vehicle from which any tobacco product is offered for retail sale. A license may be issued to authorize the retail sale of tobacco

1 product from a motor vehicle only where such vehicle follows  
2 one or more fixed and definite retail sales routes having  
3 sales location stops only at business, industrial, or  
4 construction sites, which routes ((and sites)) are precisely  
5 described on the license application form submitted to the  
6 Director.

7 Sec. 3. SMC 6.240.040 (part of Section 1 of Ordinance  
8 115531) is hereby amended retroactive to March 22, 1991, as  
9 follows:

10 **6.240.040 License expiration dates.**

11 ((A.)) A tobacco product retailer's license issued  
12 pursuant to SMC 6.240.020 shall be valid for an initial period  
13 ending June 30, 1991; thereafter, any such license shall be  
14 valid for an annual period, beginning on the immediately  
15 following July 1st, and expiring on the next succeeding  
16 June 30th.

17 ~~((B. A tobacco vending machine operator's license issued  
18 pursuant to SMC 6.240.030 shall be valid for an initial period  
19 ending June 31, 1991; thereafter, any such license shall be  
20 valid for an annual period beginning on the immediately  
21 following July 1st, and expiring on the next succeeding  
22 June 30th.))~~

23 Sec. 4. Effective January 1, 1992, SMC 6.240.050 (part  
24 of Section 1 of Ordinance 115531) is hereby amended as  
25 follows:

26 **6.240.050 Change of route or location of tobacco product  
27 retailer's licensed operation.**

28 In the event a licensed tobacco product retailing operation is relocated to any route ((or site)) different from that identified on a tobacco product retailer's license, such license shall become void. The Director shall issue a tobacco product retailer's license

1 for a new route (~~or site(s)~~) pursuant to SMC 6.202.100 if  
2 application therefor is filed pursuant to SMC 6.202.130 and  
3 -.140, and the change of route (~~or site(s)~~) fee specified in  
4 SMC 6.204.120 is paid. Any license issued pursuant to this  
5 section shall expire on the expiration date of the tobacco  
6 product retailer's license made void by a change in such  
7 licensee's location.

8 Sec. 5. Effective January 1, 1992, SMC 6.240.120 (part of  
9 Section 1 of Ordinance 115531) is hereby amended as follows:

10 **6.240.120 Prohibition against (~~gifts or bonuses~~)**  
**distribution of tobacco product samples.**

11 ~~((A. No person issued a valid tobacco vending machine  
12 operator's license pursuant to this chapter, nor any agent or  
13 employee of such a person, shall make any gift or give any  
14 bonus or any advance commission to any person licensed to sell  
15 any tobacco product.~~

16 B.) No person shall, on behalf of a tobacco product  
17 retailer, distributor, or manufacturer, give away or  
18 distribute, or employ another to give away or distribute, any  
19 sample of any tobacco product to the general public. Each  
20 item given away shall constitute a separate infraction.

21 Sec. 6. SMC 6.240.200 (part of Section 1 of Ordinance  
22 115531) is hereby amended retroactive to March 22, 1991, as  
23 follows:

24 **6.240.200 Violation of SMC 6.240.020, (~~(-.030,)~~) -.050**  
**through -.080, -.100, or -.120 constitutes civil infraction.**

25 A. Notwithstanding any contrary provision in SMC  
26 6.202.470, each act or omission in violation of SMC 6.240.020,  
27 (~~(-.030,)~~) -.050 through -.080, -.100, or -.120 shall  
28 constitute a civil infraction, which shall be punishable as  
follows:

**Initial infraction . . Imposition of a monetary penalty of**

1           (~~five hundred dollars (\$500.00)~~) Fifty Dollars (\$50.00)  
2           and the licensee shall be given notification, in writing,  
3           of provisions for penalties to be levied in the event of  
4           additional or further violations.

5           **Second infraction . .** Imposition of a monetary penalty of  
6           (~~seven hundred fifty dollars (\$750.00)~~) One Hundred  
7           Twenty-five Dollars (\$125.00) and, where applicable,  
8           suspension of the tobacco product retailer's license  
9           (~~or, if a tobacco vending machine was involved in the~~  
10           ~~infraction, suspension of the tobacco vending machine~~  
11           ~~operator's license,~~) for not less than ninety-one (91)  
          nor more than one hundred eighty (180) days;

12           **Third and any succeeding infraction . .** Imposition of a  
13           monetary penalty of (~~one thousand (\$1,000.00)~~) Two  
14           Hundred Fifty Dollars (\$250.00) and, where applicable,  
15           suspension of the tobacco product retailer's license  
16           (~~or, if a tobacco vending machine was involved in the~~  
17           ~~infraction, suspension of the tobacco vending machine~~  
18           ~~operator's license,~~) for not less than nine (9) nor more  
          than eighteen (18) months, or revocation of such license;

19           Provided, that each person found to have committed such a  
20           civil infraction shall also be given notice that any subse-  
21           quent civil infraction may result in the imposition of an  
22           increased monetary penalty or a longer license suspension or  
23           license revocation. In the event that a tobacco vending  
24           machine (~~operator's license for a tobacco vending machine is~~  
25           ~~suspended~~) was involved in the infraction, the Director shall  
26           render such machine inoperable for the period of the suspen-  
27           sion by sealing or masking the activating mechanism(s) or  
28           through other means. In the event a tobacco product  
          retailer's license (~~or a tobacco vending machine operator's~~  
          ~~license~~) is suspended for a period of time greater than that

1 remaining before such license would expire, then, notwithstan-  
2 ding any provision in SMC Chapter 6.202 to the contrary, such  
3 licensee shall be ineligible to renew or replace such license  
4 until the day after the period of suspension ends.

5 Sec. 7. SMC 6.204.120 (part of Section 2 of  
6 Ordinance 115531) is amended retroactive to March 22, 1991, as  
7 follows:

8 **6.204.120 Tobacco product retailing.**

9 A. The annual fee for issuance of a tobacco product  
10 retailer's license shall be ~~((Seventy-five Dollars (\$75.00))~~  
11 One Hundred Twenty-five Dollars (\$125.00), per location, motor  
12 vehicle or operation.

13 B. ~~((The annual fee for issuance of a tobacco vending  
14 machine operator's license shall be Three Hundred Fifteen  
15 Dollars (\$315.00) per vending machine.~~

16 C.)) The fee for re-issuance of a license upon a change  
17 in a licensed tobacco product retailer's motor vehicle route  
18 ~~((or sales site (including for that of a tobacco vending  
19 machine))) shall be Twenty-five Dollars (\$25.00).~~

20 Sec. 8. SMC 6.240.030, -.060 and -.130 (all parts of  
21 Section 1 of Ordinance 115531) are each retroactively repealed  
22 as of March 22, 1991.

23 Sec. 9. Any act consistent with the authority and prior  
24 to the effective date of this ordinance is ratified and  
25 confirmed.

26 Sec. 10. If any provision of this ordinance or the  
27 application thereto to any person or circumstance is held  
28 invalid, such invalidity shall not affect other provisions or  
applications of the ordinance that can be given effect without  
the invalid provision or application, and to that end the  
provisions of this ordinance are declared to be severable.

TIME AND DATE STAMP

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*Salvador Sitonga*

_____	_____
_____	_____
_____	_____
_____	_____

\_\_\_\_\_

\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

11850  
City of Seattle

-ss.

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORD: 115948

was published on

12/17/91

The amount of the fee charged for the foregoing publication is the sum of \$ \_\_\_\_\_ which amount has been paid in full.

*K. Kells*

Subscribed and sworn to before me on

12/19/91

*Jerry L. Peterson*

Notary Public for the State of Washington,  
residing in Seattle

Sec. 5. Effective January 1, 1992, SMC 6.240.120 (part of Section 1 of Ordinance 115531) is hereby amended as follows:

6.240.120 Prohibition against ~~(gifts or bonuses)~~ distribution of tobacco product samples.

~~((A--No person issued a valid tobacco vending machine operator's license pursuant to this chapter, nor any agent or employee of such a person, shall make any gift or give any bonus or any advance commission to any person licensed to sell any tobacco product.~~

B.) No person shall, on behalf of a tobacco product retailer, distributor, or manufacturer, ~~or any person or entity having an interest in a tobacco product vending machine~~ give away or distribute, or employ another to give away or distribute, any sample of any tobacco product to the general public. Each item given away shall constitute a separate infraction.

Sec. 6. SMC 6.240.200 (part of Section 1 of Ordinance 115531) is hereby amended retroactive to March 22, 1991, as follows:

6.240.200 Violation of SMC 6.240.020, ~~((--020,)) -050 through -080, -100, or -120 constitutes civil infraction.~~

A. Notwithstanding any contrary provision in SMC 6.202.470, each act or omission in violation of SMC 6.240.020, ~~((--020,)) -050 through -080, -100, or -120 shall constitute a civil infraction, which shall be punishable as follows:~~

Initial infraction . . . Imposition of a monetary penalty of ~~((five hundred dollars (\$500.00)) Fifty Dollars (\$50.00) and, where applicable, suspension of the tobacco product retailer's license for not less than thirty (30) nor more than ninety (90) days; ((and the licensee shall be given notification, in writing, of provisions for penalties to be levied in the event of additional or further violations.))~~

Second infraction . . . Imposition of a monetary penalty of ~~((seven hundred fifty dollars (\$750.00)) One Hundred Twenty-five Dollars (\$125.00) and, where applicable,~~