

ARTICLE 1119

Licensing and Regulation of Cigarette Vending Machines

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1119.01 DEFINITION OF TERMS.

As used in this ordinance, unless the context otherwise indicates:

(a) The term "cigarette vending machine" shall mean any automatic vending machine accessible to the public used for the sale of cigarettes and controlled by the insertion of coins or currency. It shall not include machines or devices used solely for the vending of service, food or confections.

(b) The terms "person, firm, corporation or association" as used herein shall include the following: any person, firm, corporation or association which owns a cigarette vending machine; the person, firm, corporation or association in whose place of business any such machine is placed for use by the public; and the person, firm, corporation or association having control over such machine.

1119.02 LICENSE REQUIRED.

Any person, firm, corporation or association displaying for public patronage or keeping for operation any cigarette vending machine shall be required to obtain a license from the City of Bethlehem upon payment of a license fee. Application for such license shall be made to the Bureau of Health upon a form to be supplied by the Bureau for that purpose. Only one cigarette vending machine shall be operated under one license. The applicant or licensee shall be required to secure a license for

vending machine shall be operated under one license. The applicant or licensee shall be required to secure a license for each and every cigarette vending machine displayed or operated.

1119.03 LICENSING PROCEDURES.

The application for such license shall contain the following information:

(a) Name and address of the applicant, age, date and place of birth.

(b) Place where the cigarette vending machine or device is to be displayed or operated and the business conducted at that place.

(c) Description of the cigarette vending machine to be covered by the license including mechanical features, name of manufacturer, and serial number.

No license shall be issued to any applicant unless the applicant is at least eighteen (18) years of age.

1119.04 LICENSE FEES.

Every applicant, before being granted a license, shall pay an annual license fee of \$25.00 for the privilege of operating or maintaining for operation each cigarette vending machine. The fee will be pro rated for periods of less than one year.

Each license shall expire December 31 of each year.

1119.05 DISPLAY OF LICENSE.

(a) The license or licenses herein provided for shall be posted permanently and conspicuously at the location of the cigarette vending machine in the premises wherein the device is to be operated or maintained.

(b) Such license may be transferred from one cigarette vending machine to another similar cigarette vending machine only upon application to the Bureau of Health by giving a description and serial number of the new cigarette vending machine to the Bureau.

(c) If the licensee shall move his place of business to another location within the City of Bethlehem, the license may be transferred to such new location upon application to the Bureau

of Health, giving the street and number of the new location. The new location shall be approved by the Bureau of Health in the same manner as provided in Sections 1119.02 and 1119.03 of this ordinance.

(d) A license shall not be transferrable from person to person, and shall be usable only at the place and by the person designated in the license.

1119.06 PROHIBITION AND RESTRICTIONS.

(a) No person, firm, corporation or association holding a license under this ordinance shall permit persons under eighteen (18) years of age to operate any cigarette vending machine.

(b) Cigarette vending machines shall be permitted to be placed only at:

1. Locations such as bars, clubs or other establishments which normally prohibit the entry of minors or of minors not accompanied by an adult. Restaurants which have separate bar areas may only place cigarette vending machines in the bar area.
2. Business premises where the unescorted entry of the public is prohibited.

(c) Where permitted under Subsection 1119.06(b), cigarette vending machines shall only be placed in locations wherein the licensee or designee of licensee can, in the normal course of their employment, view at all times any person using said cigarette vending machine. Cigarette vending machines shall not be placed in patron restroom areas, foyers or vestibules, pantry or waiting rooms, or any other inconspicuous areas. Business locations noted in Section (b) 2 are exempted from this restriction.

1119.07 REVOCATION OF LICENSE.

Every license issued under this ordinance is subject to the right of the Bureau of Health, which is hereby expressly reserved, to revoke the same should the licensee, directly or indirectly, permit the operation of any cigarette vending machine contrary to the provisions of this ordinance, the ordinances of the City of Bethlehem, or the law of the State of Pennsylvania. Said license may be revoked by the Bureau of Health after written notice to the licensee, which notice shall specify the ordinance or law violation with which the licensee is charged. Cigarette

vending machines in unpermitted locations and cigarette vending machines which are unlicensed or whose license has been revoked may be removed by the Bureau and held until claimed by the cigarette vending machine's owner.

1119.99 PENALTY.

Any person who violates any provision of this Article shall be subject to the following penalties:

(a) First Violation - A fine of \$200.00, or thirty days imprisonment, or both;

(b) Second violation - A fine of \$500.00, or sixty days imprisonment, or both;

(c) Third and each subsequent violation - A fine of \$1,000.00, or ninety days imprisonment, or both.

(Ord. 3384. Passed 12/18/90.)