

ORDINANCE NO. 103

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CLAYTON, IOWA, TO MODIFY THE CITY CODE TO BE CONSISTENT WITH 2020 CHANGES TO THE IOWA CODE MADE BY THE IOWA GENERAL ASSEMBLY

WHEREAS, the 2020 Iowa General Assembly passed several bills affecting various provisions of the Code of Ordinances of the City of Clayton, Iowa, and

WHEREAS, the City Council has reviewed and finds that the proposed amendments will promote the general welfare and be in the best interests of the community.

NOW, THEREFORE, BE IT ORDAINED, as follows:

Section 1. Section 46.02 of the Code of Ordinances of the City of Clayton is amended by deleting it in its entirety and in lieu thereof substituting the following:

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under twenty-one (21) years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the Code of Iowa or who lawfully offers for sale or sells cigarettes or tobacco products .. (*Iowa Code, Sec. 453A.2*)

Section 2. Chapter 55 of the Code of Ordinances of the City of Clayton is amended by adding Sections 55.16 and 55.17 as follows:

Section 55.16 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful for a person to knowingly remove, disable, damage, or destroy a rabies vaccination tag attached to an item worn by the dog, including but not limited to a collar, harness, or vest. This section shall not apply to the owner of the dog, an agent of the owner, a person authorized to take action by the owner, a peace officer, a licensed veterinarian, or an animal shelter or pound. (*Iowa Code, Sec. 351.45*)

Section 55.17 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE. It is unlawful for a person to knowingly remove, disable, damage, or destroy an electronic device designed and used to maintain custody or control of a dog or to modify a dog's behavior attached to an item worn by the dog, including but not limited to a collar, harness, or vest. This section shall not apply to the owner of the dog, an agent of the owner, a person authorized to take action by the owner, a peace officer, a licensed veterinarian, or an animal shelter or pound (*Iowa Code, Sec. 351.46*)

Section 3. Section 121.07 of the Code of Ordinances of the City of Clayton is amended by deleting the first unnumbered paragraph thereof in its entirety and in lieu thereof substituting the following:

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under twenty-one (21) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

Passed by the Council on the _____ day of _____ 2020.

Max Basemann, Mayor

ATTEST:

Bonnie Basemann, City Clerk

First Reading: Ayes:

Second Reading:

Final Reading & Passage:

I certify that the foregoing was posted as Ordinance No. 103 on the _____ day of _____ 2020 through the _____ day of _____ 2020.

Bonnie Basemann, City Clerk