

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF MARSHALLTOWN, IOWA, CHAPTER 133 OFFENSES CONCERNING MINORS

WHEREAS, on December 20, 2019, with the enactment of the Appropriations for Fiscal Year 2020 signed by President Donald Trump, the federal smoking age was raised to 21 years of age; and

WHEREAS, State of Iowa law indicates it is illegal for a person to sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age; and

WHEREAS, staff provided additional revisions to the chapter to bring it up to date along with providing a consistent curfew time; and

WHEREAS, the City Council finds it in the best interested to amend the Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. Amendment.

The Code of Ordinances of the City of Marshalltown, Iowa, is hereby amended by replacing the following sections:

§ 133.001 CURFEW; MINORS ON STREETS; HOURS.

- (1) Minors under age 18.
 - (a) It shall be unlawful for any minor under the age of 18 years to be or remain in or upon any streets, alleys, public ways, vacant lots or other unsupervised places in the city between the hours of 11:00 p.m. to 6:00 a.m., unless satisfying the exceptions set out in division (A)(2) below.
 - (2) Exceptions. No minor shall be considered in violation of the curfew of the city if satisfying one or more of the following:
 - (a) The minor is accompanied by a parent;
 - (b) The minor is traveling to or returning from employment or a religious, political, economic or cultural assembly, and is journeying directly to such an activity or home, and not otherwise. This exception requires prior parental approval concerning such activity;
 - (c) The minor is accompanied by a supervising adult who has been previously approved, for the purpose involved, by a parent;
 - (d) The minor is an emancipated minor;
 - (e) The minor is traveling interstate for a lawful purpose and with the consent of a parent; and/or
 - (f) The minor is found on the public sidewalk between the street and the home of his or her parent or the home of one of the members of the group with whom the minor is socializing if the gathering is otherwise lawful.

(4) Definitions. For the purpose of this division (A), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMANCIPATED MINOR. A minor who no longer lives with a parent and is self-supporting.

MINOR. Any person under the age of 18 years.

PARENT. Biological parents, a guardian or custodian appointed by the courts or an adult who has accepted the role of a parent at the request of a biological parent, guardian or custodian.

(B) (1) It shall be unlawful for any parent, guardian or other person having the care and custody of a minor under the age of 18 years to permit such minor to violate the provisions of division (A) above.

(2) It shall not constitute a defense to this section that such parent, guardian or other person having the care and custody of a minor did not have knowledge of the presence of such minor in or upon any streets, alleys, public places, vacant lots or other unsupervised places in violation of division (A) above.

Penalty, see § 133.999

§ 133.002 SELLING CIGARETTES TO MINORS; MINORS BUYING CIGARETTES.

Persons under legal age.

(A) A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age.

(B) A person under age 21 years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

Statutory reference: I.C.A. § 453A.2. Penalty, see I.C.A. § 453A.2.

§ 133.003 MINORS PRETENDING TO BE OF AGE.

(A) It is unlawful for any person under the age of 21 years of age to represent, pretend or claim that he or she is 21 years of age or over, for the purpose of inducing or procuring any merchant or dealer to sell such person any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes.

Penalty, see § 133.999

§ 133.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to 10.999 of this code of ordinances.

(B) A minor who violates 133.001(A) of this chapter shall be punished by a penalty as provided in 10.999(A) of this code of ordinances.

(C) A minor who violations 133.003 this chapter shall be punished by a penalty as provided in I.C.A. § 453A.2.

Section 3. Severability Clause.

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of this ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 4. Repealer.

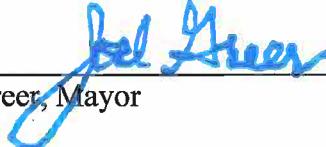
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date.

This ordinance shall be in full force and effect after its final passage, approval, and publication as provided by law.

Passed this 28th day of July 2025, and signed this 28th day of July 2025.

CITY OF MARSHALLTOWN, IOWA



Joel Greer, Mayor

ATTEST:



Alicia Hunter, CMC, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the 28th day of July, 2025, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the 1st day of August, 2025.



Alicia Hunter, City Clerk