

TITLE VI – REGULATION OF BUSINESS AND VOCATIONS
GENERAL

CHAPTER 160
CIGARETTE PERMITS

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160.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.

(Code of Iowa, Sec. 98.1)

2. “Place of Business” means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.

3. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.

(Code of Iowa, Sec. 98.1)

160.02 MINORS. A person shall not furnish to any minor under eighteen years of age by gift, sale or otherwise, any smokeless tobacco, cigarette, or cigarette paper, or any paper or other substance made or prepared for the purpose of use in making of cigarettes. A person shall not, directly or indirectly, or by an agent, sell, barter or give to any minor under eighteen years of age any tobacco in any other form whatever except upon the written order of the minor’s parent or guardian or the person in whose custody the minor is.

160.03 PERMIT REQUIRED. No retailer shall distribute, sell or solicit the sale of any cigarettes within the City without a valid permit for each place of business. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public. No permit shall be issued to a minor.

160.04 APPLICATION. A complete application on forms provided by the State Department of Revenue and Finance and accompanied by the fee provided in Section 160.05 shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council

meeting is called to act on the application the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 98.13)

160.05 FEES. The fee for issuing or renewing a cigarette permit shall be as follows:

(Code of Iowa, Sec. 98.13)

<u>FOR PERMITS ISSUED OR RENEWED DURING:</u>	<u>FEE:</u>
July, August or September -----	\$75.00
October, November or December -----	\$56.25
January, February, or March -----	\$37.50
April, May or June -----	\$18.75

160.06 ISSUANCE. The Council shall issue or renew a permit upon a determination that such issuance or renewal will not be detrimental to the public health, safety or morals.

160.07 PERMITS NOT TRANSFERABLE. A permit shall not be transferable to another place of business or retailer. However, if a retailer who holds a valid permit changes his place of business, the Council, if it decides to issue a new permit to the retailer, shall not charge any additional fee for the unexpired term of the original permit if the retailer has not received a refund for surrender of the original permit.

160.08 EXPIRATION. Permits expire on June 30 of each year.

160.09 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, as follows:

(Code of Iowa, Sec. 98.13)

<u>PERMITS SURRENDERED DURING:</u>	<u>AMOUNT OF REFUND:</u>
July, August or September -----	\$56.25
October, November or December -----	\$37.50
January, February, or March -----	\$18.75

160.10 REVOCATION. The Council, after notice and hearing substantially in accordance with the provisions of Section 98.22 of the Code of Iowa, shall revoke a permit if it finds the retailer has violated the provisions of Section 160.02. Following similar notice and hearing, the Council may revoke a permit if it finds the retailer has violated any other provisions of this chapter, or if grounds exist that would be sufficient for refusal to issue such a permit. The Clerk shall give ten (10) days written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which the retailer may appear and be heard. The hearing shall be held at the regular meeting place of the Council.

(Code of Iowa, Sec. 98.22)

160.11 RENEWAL AFTER REVOCATION. Upon revocation, no new permit shall be issued to the retailer or for the place of business for one (1) year after the date of revocation unless good cause to the contrary is shown the Council.
