

ORDINANCE

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AN ORDINANCE TO REGULATE THE RETAIL SALE OF CIGARETTES BY REQUIRING PERMITS, TO PROVIDE FOR ISSUANCE OF PERMITS AND COLLECTION OF FEES, AND TO PROVIDE PENALTIES FOR VIOLATIONS

BE IT ENACTED by the Council of the City of Farmington, Iowa:

SECTION 1 Definitions. For use in this Ordinance the following terms are defined:

1. The term "cigarette" shall mean any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and irrespective of being flavored, adulterated or mixed with any other ingredient, where such roll has wrapper or cover made of paper or any other material. It also shall mean cigarette papers, wrappers, and tubes. It shall further include cigarettos provided their weight does not exceed three (3) pounds per thousand. However, this definition shall not be construed to include cigars.
2. The term "retailer" shall mean every individual, firm, corporation or other association that 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.
3. The term "place of business" shall mean any building or structure in which cigarettes are sold, or are kept for the purpose of sale, by a retailer.

SECTION 2 Permit required. No retailer shall distribute, sell or solicit the sale of any cigarettes within the City of Farmington, Iowa, 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.

SECTION 3 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, when a retailer who is not a minor has filed with the City Clerk a completed application on forms provided by the State Department of Revenue and accompanied by the fee provided in Section 5. The council shall

certify its action in issuing a permit to the State Department of Revenue.

SECTION 4 Expiration. Permits expire on June 30th of each year.

SECTION 5 Fees. The fee for permits issued or renewed in July, August, or September is \$75.00. The fee permits issued in October, November, or December is \$56.25; January, February, and March, \$37.50; and in April, May, or June \$18.75.

Upon issuance of the permit by the Council, the Clerk shall forward the fee to the general fund account.

SECTION 6 Refunds. A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$56.25; October, November, or December, for \$37.50; or in January, February, or March, for \$18.75.

SECTION 7 Revocation. The Council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this Ordinance or Chapter 98, Code of Iowa, 1973, or if grounds exist that would be sufficient for refusal to issue such a permit. The City Clerk shall give five (5) days written notice to the retailer by mailing a copy of the notice by certified mail to the place of business as it appears on his application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which he may appear and be heard. The hearing shall be held at the regular meeting place of the Council.

Upon revocation, no new permit shall be issued to the retailer or for the place of business for one year from the date of revocation unless good cause to the contrary is shown the Council.

SECTION 8 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 him, 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.

SECTION 9 Display. The permit shall be displayed publicly in the place of business so that it can be seen easily by the public.

SECTION 10 Penalty. Anyone violating any of the provisions of this Ordinance shall, upon conviction, be subject to imprisonment not exceeding thirty (30) days, or a fine not exceeding \$100.00.

SECTION 11 Repealer. All Ordinances or parts or Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 12 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 the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 13 When Effective. This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed and approved: March 30, 1980

W.G. Taube, Mayor
Karen Faulkner, City Clerk

Reviewed: 10/12/15