

CHAPTER 27**CIGARETTE PERMITS**

27.01 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 being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. It also shall mean cigarette papers, wrappers and tubes. It shall further include cigarettes provided their weight does not exceed three (3) pounds per thousand. However, this definition shall not be construed to include cigars.

(Code of Iowa, 1995, Sec. 453A.1 [2])

2. "Retailer": means 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.

(Code of Iowa, 1995, Sec. 453A.1[19])

3. "Place of Business": means any place where cigarettes are sold or stored by the holder of an Iowa permit or kept for the purpose of sale or consumption; or if sold from any vehicle or train, the vehicle or train on which or from which such cigarettes are sold shall constitute a place of business.

(Code of Iowa, 1995, Sec. 453A.1[17])

27.02 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.

27.03 APPLICATION. A completed application on forms provided by the state Department of Revenue & Finance and accompanied by the fee provided in Section 27.04 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.

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

(Code of Iowa, 1995, Sec. 453A.13[3])

<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.

27.05 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, and shall certify its action in issuing a permit to the state Department of Revenue & Finance.

27.06 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.

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

27.08 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, 1995, Sec. 453A.13[4])

<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.

27.09 REVOCATION. The Council, after notice and hearing, shall revoke a permit if it finds the retailer has violated the provisions of this Chapter or Code of Iowa, Chapter 98, or if grounds exist that would be sufficient for refusal to issue such a permit. The 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.

(Code of Iowa, 1995, Sec. 453A.22)

27.10 RENEWAL AFTER REVOCATION. 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.