

TITLE III COMMUNITY PROTECTION

CHAPTER 8 CIGARETTE LICENSE

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3-8-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term “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 shall not be construed to include cigars. (Code of Iowa, Sec. 453.A.1(2))
2. The term “retailer” means and includes every person in this state who sells, distributes, or offers for sale for consumption, or possess for the purpose of sale for consumption, cigarettes irrespective of quality or amount or the number of sales. (Code of Iowa, Sec. 453.A.1(19))
3. The term “place of business” means and includes any place where cigarettes are sold or where cigarettes are stored, within or without the State of Iowa, 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, Sec. 453.A.1(17))

3-8-2 PERMIT REQUIRED. No retailer shall distribute, sell, or solicit the sale of any cigarettes within the City of Letts, 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. (Code of Iowa, Sec.453.A.13)

3-8-3 ISSUANCE The City 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 Finance and accompanied by the fee provided in Section 3-8-5. (Code of Iowa, Sec. 453.A.13 (2) (a))

3-8-4 EXPIRATION. Permits expire on June 30 of each year. (Code of Iowa, Sec. 453 A.13 (3))

3-8-5 FEES. The fee for permits issued or renewed in July, August, or September is \$75.00. The fee for permits issued in October, November, or December is \$56.25; in January, February or March \$37.50; and in April, May or June, \$18.75. (Code of Iowa, Sec. 453 A.13 (3))

3-8-6 REFUNDS. A retailer may surrender an unrevoked permit in July, August, or September for a refund of \$56.25; in October, November, or December, for \$37.50; or January, February, or March, for \$18.75. (Code of Iowa, Sec. 453 A. 13(4))

3-8-7 REVOCATION The City Council, after notice and hearing, shall revoke a permit if it finds the retailer has substantially violated the provisions of this chapter or chapter 453A, Code of Iowa. If grounds exist that would be sufficient for refusal to issue such a permit, it shall not be used. The City Clerk shall give ten 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 the application for a permit. The notice shall state the reason for the contemplated revocation and the time and place at which the person may appear and be heard. The hearing shall be held at the regular meeting place of the City 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 to the City Council. (Code of Iowa, Sec. 453 A.22)

3-8-8 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 moves the place of business, the City Council, if it decides to issue a new permit for the new place of business, 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.

3-8-9 DISPLAY. The permit shall be displayed in the place of business so that it can be seen easily by the public. (Code of Iowa, Sec. 453 A.13 (10))