

ORDINANCE 12-04

AN ORDINANCE RELATING TO PENALTIES FOR SELLING TOBACCO PRODUCTS OR CIGARETTES TO MINORS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARION, IOWA:

Section 1. Section 121.01 of the Code of Ordinances is amended by deleting subsection 7 and inserting in lieu thereof the following:

7. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing or dissolving tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

Section 2. Section 121.07 of the Code of Ordinances is amended by deleting the same and inserting in lieu thereof the following:

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

- a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen days.
- b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars or the retailer's permit shall be suspended for a period of thirty days. The retailer may select its preference in the penalty to be applied under this paragraph.
- c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of thirty days.

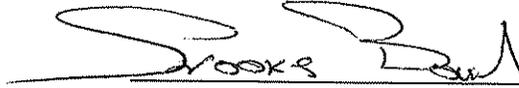
d. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars and the retailer's permit shall be suspended for a period of sixty days.

e. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Chief of Police or designee shall give written notice as provided by state law 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 action and the time and place at which the retailer may appear and be heard.

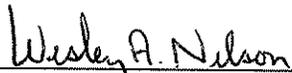
Section 3. This Ordinance shall be in full force and effect from and after its final passage approval and publication as provided by law.

Passed and approved this 9th day of February, 2012.



Snooks Bouska, Mayor

ATTEST:



Wesley A. Nelson, City Clerk

CERTIFICATE OF SERVICE

The undersigned City Clerk of Marion, Iowa certifies that the Ordinance Summarized shown immediately above was published in the Marion Times on the 16th day of February, 2012.

Wesley A. Nelson/Cc
City Clerk